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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by our guest Chaplain, Rev. John L. Beaver, who is the national chaplain for the American Legion.

The guest Chaplain offered the following prayer:

Let us pray.

Almighty Father, we thank You for life, truth, and love which comes from You, for love because it embraces all of us and for Your comforting assurance that You are guiding our great Nation.

We humbly ask for Your light of wisdom to be given to each Member of the Senate so that they may discern what is truth from error. Guide and direct our beloved Senators from across this Nation with a compassionate heart in making difficult decisions. Father, help us to learn and to know Your will in all things.

Lord, we ask for Your protective shield around our military men and women. Be with their families as they wait eagerly for their safe return and give comfort to our wounded warriors in body, mind, and spirit. Comfort those who are now grieving the loss of their loved ones.

Bless all our veterans and military organizations who serve from their hearts. Strengthen us in heart, mind, and spirit as we serve You, our God, and our beloved Nation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 2, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Madam President, I have a few things to say, but it is my understanding that the distinguished Senator from Maine wishes to make a unanimous-consent request, so I will yield to her for that purpose.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Thank you, Madam President, and I thank the distinguished Democratic leader.

UNANIMOUS-CONSENT REQUEST—H.R. 4691

Ms. COLLINS. Madam President, on my own behalf and on behalf of numerous members of the Republican caucus who have expressed concerns to me, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691, with 1 hour of debate equally divided between the leaders or their designees, and that following the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage.

Madam President, this is the House-passed bill that extends for 30 days the following expiring provisions: unemployment insurance, which is so important to those who are struggling—there are 500 Mainers whose benefits expired on Sunday; the COBRA health insurance extension subsidies for the unemployed; important flood insurance; highway funding; small business loans; the provisions of the American Recovery Act that include those small business loan provisions; the doctors fix. If we do not act, physicians all across this country are going to have a 21-percent cut in their Medicare reimbursements.

I hope we can act together for the American people. Again, I want to emphasize that this issue is so important to Senators on both sides of the aisle. Many of my colleagues have expressed concerns to me that this was not done last week when it should have been done. So, Madam President, I do propose the unanimous-consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

The majority leader is recognized.

Mr. REID. Reserving the right to object, Madam President, I appreciate the efforts of my friend, the Senator from Maine, and I would hope my

friend, the Senator from Kentucky, would reconsider. His point has been made. It has been adequately made. I would hope he would let us proceed on this because it is more than meets the eye. We have people lined up all over the country in unemployment lines who would not be there but for this.

I would also say it is broader than even that. As my friend mentioned, we have problems with doctors who are now refusing to take Medicare patients.

We have a bill that is on the floor now in which we are going to try to make a long-term decision soon on this. I have offered my friend from Kentucky a right to vote on this—I would be happy to have a vote on this—that it be paid for. But it is really not appropriate to object without even allowing the Senate to work. We talk about voting. That is why we need to vote.

I say to my friend from Kentucky, you have made your point. You have made it well. I understand how you feel that this should be paid for. The majority of the Senate disagrees with you. Let us either vote on that or withdraw your objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BUNNING. There is. I object. And let me——

The ACTING PRESIDENT pro tempore. Objection is heard.

SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period of morning business for 1 hour, with Senators allowed to speak for up to 10 minutes each. The Republicans will control the first half and the majority will control the second half. Following morning business, the Senate will turn to executive session to consider the nomination of Barbara Keenan to be a U.S. circuit judge for the Fourth Circuit, with the time until 12:15 p.m. equally divided and controlled between Senators LEAHY and SESSIONS or their designees. At 12:15 p.m., the Senate will proceed to a cloture vote on the nomination. That will be the first vote of the day, unless something comes up in the interim that necessitates a vote.

UNEMPLOYMENT BENEFITS

Mr. REID. Madam President, just a few words on what has been happening here recently. Certainly, there is an emergency. Our economy is suffering. There is not a State that is not hurting. Some States are hurting worse than others. This is a filibuster, and we are in the middle of a very important piece of legislation. I do not think it would be appropriate to take 10 days—is what it would take, a week or 10 days—to try to get a 30-day extension when we have all these other things that are waiting to be done that relate directly to this. It just is not appropriate.

What is a filibuster? If you look in the dictionary, Madam President—this was handed to me by the distinguished Senator from Michigan, Ms. STABENOW—if you look in the Oxford English Dictionary, a filibuster is a ''freebooter. One of a class of piratical adventurers who pillaged the Spanish colonies in the West Indies during the 17th century.'' A freebooter is ''one who engages in unauthorized and irregular warfare against foreign states. A pirate craft.'' In the United States: ''To obstruct progress in a legislative assembly; to practice obstruction.'' That is what this is all about—to practice obstruction. We are not preventing a vote. We are not preventing a vote. We want a vote to take place.

My friend from Kentucky has raised an issue. He thinks it should be paid for. I believe it is an emergency, as it always has been when people are out of work for long periods of time. It is an emergency. We should be able to vote on what the Senator feels is appropriate; that is, that this be paid for, that it is not an emergency. These long lines of people who are out of work is not an emergency is what he believes. I believe they are.

I think it is terribly inappropriate that this filibuster is being conducted. And to even make it worse, Madam President, we have people coming defending my friend from Kentucky. I will defend him on a lot of things but not on this. I think it is very out of line.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE

Mr. MCCONNELL. Madam President, the American people have spoken loudly and clearly on the issue of health care reform. They overwhelmingly favor a plan that addresses our problems step by step. They want a plan that lowers the cost of health care without expanding the role of government and without raising taxes or cutting Medicare. They want us to focus on cost.

Unfortunately, Democrats here in Washington either have not gotten the message or they are ignoring it. We know this because after a year of protests, three statewide elections in New Jersey, Virginia, and Massachusetts, and the clear verdict of every public opinion survey, Democrats in Washington are now planning one last-ditch effort to get their plan through Congress and past the American people.

The sad fact is that Washington Democrats are so wedded to the notion that they know better than the general public when it comes to health care that they are about to reject any pretense of bipartisanship in order to jam their plan through Congress by the narrowest margin possible whether people want it or not—a raw exercise of legislative power that Senator BYRD, our resident Senate historian, has described within the last year as an undemocratic outrage on a piece of legislation this far-reaching.

Some on the other side are clearly worried about the consequences of taking such a drastic step. They are wondering whether they should risk the full fury of the public by using these extreme tactics to circumvent the will of their constituents. Democratic leaders are telling them not to worry. They are telling them people will forget about the process once their plan becomes law. Well, they are wrong. Americans are not going to forget if Democrats do this to their health care system.

Wavering Democrats need to realize that there is a better way. Last week, the President and other Democrats acknowledged a number of areas of agreement between the two parties. These are the ideas that could form the solid basis of a fresh start on health care reform. These are the ideas that could form the basis of the kind of step-by-step bipartisan reform Americans really want.

Americans do not want the one-party bill Democrats in Washington are planning to force on them, or any variation of it, and they do not want Democrats to push it through with even more backroom deals. Americans are already seething about the kinds of deals that were used to get the earlier version of this bill through Congress. The ''Cornhusker kickback'' and the ''Louisiana purchase'' became household expressions. But using reconciliation to jam this health care plan through would make the ''Cornhusker kickback'' look like an exercise in good government.

Using reconciliation to fundamentally change the health care of every American would be one of the most brazen single-party power grabs in legislative history. It would be the death of bipartisanship. And Americans will not stand for it. They know bills of this scope only work if they are done along bipartisan lines.

Medicare and Medicaid were created with the support of about half the members of the minority party. The Voting Rights Act passed with 30 Republican and 47 Democratic votes. Only Six Senators voted against the Social Security Act. Only eight voted against No Child Left Behind or the Americans with Disabilities Act. Only 12 voted against the Welfare Reform Act. Big bills are passed with big majorities, and rarely has there been a bigger bill than that. So if ever there was a time not to depart from a bipartisan approach, it is now—right now.

Democrats are saying they want a simple up-or-down vote on health care. What they want is to jam their vision of health care through Congress over the objections of a public they seem to think is too ill-informed to notice. If

they go ahead with this plan, they will see how wrong they are. I know the argument has been made by the leaders on the other side: Let's get this issue behind us; it will get better. If they pass this, it will not be behind them; it will be in front of them—right in front of them. Americans are engaged in this debate in a way I have never seen in my entire career here. They know exactly what is going on. They will make sure their voices and their will is felt one way or another.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Kentucky is recognized.

BIPARTISANSHIP

Mr. BUNNING. Madam President, I wish to respond to the Democratic leader, particularly in view of what my leader just said about bipartisanship.

It seems that last week there was a bipartisan agreement between the members of the Finance Committee on the very issue the Democratic leader spoke on. It was called the Baucus-Grassley compromise bill. It never got to the floor of the Senate. That was a bipartisan bill that was set aside for a very partisan bill that Senator REID brought to the floor and rammed through instead of the bipartisan bill, which had all these extended benefits included in it: extended unemployment benefits, COBRA health care assistance, flood insurance, highway bill assistance, the Medicare doc fix, small business loans, distant network channel for rural satellite television, and other things.

It is hypocritical of the Democratic side of this aisle passing a pay-go bill. What does pay-go mean? It means you pay for the bills as they appear on the floor of the Senate. Then, to present a bill that is not paid for or just paid for a little bit—one-third of it is paid for—and that was the Reid jobs bill he presented to us. Five billion dollars was paid for; ten billion dollars was not. Then, immediately follows a UC, which is not—which is not—something we normally do. We have unanimous consents that are much different than this. This is a House bill they have asked unanimous consent to proceed on. Regular order could prevail and the leader of this Senate could put this bill under cloture and get his vote. He will get his 60-plus votes and normal procedure will occur. That is the normal way to deal with this bill.

Just so my colleagues understand that not all Americans feel the same as my dear friend from Maine and the majority leader of the Senate, I am going to read a letter into the RECORD from a constituent of mine from Louisville.

I am going to read it also because it is very important people understand there are other sides of this.

Dear Senator Jim Bunning:

I haven't worked a full 40-hour week in probably 2 years now, but I fully support your decision to stand up to those in Congress who want to do nothing more than to spend the taxpayers' money, even the money they do not have, on unemployment extension benefits.

So far this year I have worked a total of one week here in Louisville, Kentucky. My employer is a sheet metal fabrication plant with its main headquarters based in Cincinnati, Ohio. Normally the Louisville branch would employ upwards of fifty people on any given day if business were good. Recently that number has dwindled to about four.

This country is sooner or later going to implode because of the massive amount of debt run up over the past 40 to 50 years. Selling the Nation's soul to countries like Communist China in order to finance our life style and allow the government to further debase the currency is sheer lunacy. Throwing away hundreds of billions of dollars so executives on Wall Street can keep their multi-million dollar bonuses while others in society worry about keeping the electricity on and their children fed only helps to move this country closer to a long overdue revolution. The problem is by then we won't even own it anymore.

Politicians, on both sides, enjoy getting up in front of television cameras and talking about their support of the ''pay as you go'' plan, but when it comes down to actually doing what they say, they all run for cover and vote for anything they think will win them another vote or another term. Your stance in holding them to their words and expecting them to actually do what they voted for is a refreshing concept in an otherwise corrupt and hypocritical power base known as Washington, DC.

It is too bad Senator Mitch McConnell and some of the elected officials on your side of the aisle do not have your backbone or your sense of decency when it comes to keeping their promises to the American people.

For security's sake, I am just going to read his first name. It says: Sincerely, Robert, from Louisville.

There is no doubt in anybody's mind that I have supported extension of unemployment benefits, COBRA health care benefits, flood insurance, the highway bill. I was the one who proposed the Medicare doc fix on a permanent basis in the Finance Committee. I have supported small business loans and all the other things that are in this temporary bill.

I wish to set the record straight. The majority leader has all the tools in his kit and he normally exercises them and I think he is about to do that on the bill currently before us, which we call the large jobs bill. He soon will invoke cloture to cut off debate. He normally doesn't even allow amendments. He will file cloture, fill the tree—by filling the tree, that means the amendment tree which allows the Republicans no alternatives but to vote for cloture or not vote for cloture—and then, unfortunately, we have 30 hours of debate immediately following cloture.

UNANIMOUS-CONSENT REQUEST

I am going to propose, one more time, my unanimous-consent request.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691; that the amendment at the desk which offers a full offset be agreed to; the bill, as amended, be read for a third time and passed, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Madam President, reserving the right to object, I am sorry my friend from Kentucky has made this so personal because it shouldn't be the case, but let me review history a little bit.

The Senator from Kentucky talks about the bill we voted on and passed last week as being very partisan. That bill received 70 votes. It was a very nonpartisan bill. I should say it was a bipartisan bill. It received 70 votes. Why did it receive 70 votes? Because it did some great things for America. It extended the highway bill for 1 year, saving 1 million jobs. It gave small businesses the right to write off $250,000 in purchases, stimulating small businesses all over America. It gave employers the ability to hire people who have been out of work for 60 days, and if they hired them, they wouldn't have to pay their FICA tax if they gave them 30 hours a week. Not only that, they get a $1,000 tax credit at the end of the year. This is a good proposal. We also extended Build America Bonds, which are so important to the American Recovery Act, and Democrats and Republicans all over the country—Governors, mayors, county commissioners—loved that proposal. So it was certainly not a partisan bill. He is right. The other bill he talked about wasn't brought to the floor. I would also say this. It was paid for. Not a cent of deficit spending—not a cent.

It is interesting my friend would talk about pay-go. He voted against pay-go. He is talking about pay-go now. He voted against it. He voted against it right here on the Senate floor. If he so likes pay-go, why didn't he vote for it? He voted against it. The Senator from Kentucky voted against pay-go. It has no applicability to the jobs bill that passed because it was paid for.

The doc fix, he talks about having voted for it in committee. He voted against it on the floor.

So my friend is throwing around words such as ''hypocrite.'' People can make their own decision as to who is a hypocrite. I am not calling anyone a hypocrite, although I am just stating the facts: Someone who boasts about the good of pay-go but votes against it

and talks about the doc fix but votes against it.

So I would think my friend from Kentucky should get a different historian to help him with facts because they are simply wrong, and I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Kentucky.

Mr. BUNNING. Madam President, I will only continue for 2 minutes. Why would you vote for a bill when you know it is not going to be honored? Why would you vote for a bill you knew was going to be violated in the first bill brought to the floor after you passed it? As far as the doc fix is concerned, I have a history with the doc fix that I don't need to defend to the majority leader or to anybody in this body. Check with the Kentucky Medical Association and all my doctors whom I represent in Kentucky.

I think the letter of the gentleman from Louisville states the facts better than I. We want a country where my 40 grandchildren have the same abilities I did growing up. We want a country that doesn't owe everybody in the world for our existence.

The question I have been asked mostly is: Why now? Well, why not now? What better time to stand than now, when the majority leader has the ability to do exactly on this bill what he has done on 25 bills in the last 5 months: file cloture, fill the tree, and vote yea or nay, get the 60 votes, pass the bill, and extend these temporary benefits. We may pass this other bill—I hope we do—that will extend them on a permanent basis for a year—until the end of the year, anyway.

I think it is very important that people understand that I have the same right he does. He was elected by the people in Nevada, with fewer people than in Kentucky. So I have the same right as any other Senator here on the floor. It is not a filibuster when you object. That ought to be brought out clearly. A filibuster is when you stand on this floor and you talk and talk and talk. I have not done that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Madam President, I know my friends from Tennessee and Texas wish to speak, but I have to respond because I was mentioned again. I can't match, now or in the past, my friend's fast ball, his curve ball, or his 40 grandchildren. But I do have 16 grandchildren. I do think it is important to understand that the reasoning is a little unusual. He said I wouldn't vote for a bill that I thought would not be upheld at a later time, or procedures in the bill not followed. I don't know why anyone is entitled to be the judge and jury when you pass legislation. And if it is the law, there are ways of upholding that.

With pay-go, we have some experience. We know it works. It worked during the Clinton years. We paid down the national debt as a result of what happened during the Clinton years. Pay-go was dismissed during the Bush years.

My friend talks about the debt. He wants to make sure the debt doesn't go up. Where was he during the Bush years, with two unpaid-for wars, taxes unpaid for, running up trillions of dollars of red ink on the American people? We tried to address that. We asked for a debt commission to be established. We did that by legislation on the floor. My friend didn't vote for that. He didn't vote for pay-go. So we are trying on the floor—we have legislation that will resolve this issue.

What my friend said is a little unusual. He said why doesn't the leader file for cloture, use up a week or 10 days, waste that time, and then hold off getting to all of the other things. That doesn't make sense. It is without any sense, when, in fact, with the Senator withdrawing his objection, we could get it done just like that. We wouldn't have to wait a week or 10 days. He made his stand. I think he is wrong, as do the American people, and as do the people of Kentucky, in spite of the letter from Robert.

Madam President, so that I don't take advantage of my position as being leader, I ask unanimous consent that the time I consumed in my back and forth with Senator BUNNING, which was under Republican control, be charged to leader time.

I wonder if the staff has heard whether Senators SESSIONS and LEAHY wish to take the full hour of time. How much time does my friend from Texas wish?

Mr. CORNYN. About 10 minutes.

Mr. REID. And the Senator from Tennessee is here. If we run into a shortage of time, we will be happy to try to work it out in some way with the minority.

Mr. SCHUMER. Will the leader yield for a brief statement?

Mr. REID. My friend from Texas has been so very patient.

The ACTING PRESIDENT pro tempore. The Republicans control the time.

The Senator from Texas is recognized.

TEXAS INDEPENDENCE DAY

Mr. CORNYN. Madam President, I want to take a few minutes to talk about Texas Independence Day. On this day in 1836, delegates from 59 Texas settlements signed a declaration of their right to live in liberty, and to take charge of their own destiny.

The document they produced shares much in common with the Declaration signed in Philadelphia six decades earlier. For example, both sets of Founders believed in fundamental human rights, including the right to address their government for grievances.

Both groups of Founders insisted on the obligation to change their form of government if it trampled on those rights.

Both groups of Founders created new nations and have been honored by successive generations for creating legacies of liberty.

Of course, there were differences between the conventions of 1776 and 1836, between Philadelphia and Washington-on-the-Brazos. For one thing, the Texans took action quickly. They adopted their declaration on the second day of their convention. They acted quickly because they knew the forces of tyranny were already in the field and at that moment were trying to crush their freedoms.

Less than 200 miles to the west, Santa Anna's army was laying siege to the Alamo. Its young commander, William Barret Travis, had sent out an inspiring letter 6 days earlier. In it he wrote:

> Fellow citizens and compatriots, I am besieged by a thousand or more of the Mexicans under Santa Anna.
>
> The enemy has demanded a surrender. . . . otherwise, the garrison are to be put to the sword. . . . I have answered the demand with a cannon shot, and our flag still waves proudly from the walls. I shall never surrender or retreat.

History tells us that death came to the defenders of the Alamo. But soon victory came for the people of Texas. On April 21 of that year, Sam Houston and about 900 Texas soldiers defeated the much larger Mexican army at the battle of San Jacinto. By this victory, Texans won the independence they had declared less than 2 months earlier.

Sam Houston, the commander of those troops and commander in chief of the battle at San Jacinto, served as a Congressman from Tennessee, he served as Governor of Tennessee, and after the battle of San Jacinto, he went on to be elected to the Republic of Texas and became one of the first Texans to serve in the Senate in the seat I currently occupy.

I believe that he and the other founders of our Republic and of our great State would be proud of the 24 million Americans who call Texas home. They would be proud that Texas remains a land of opportunity, and that we are outperforming the Nation in job creation. They would be proud of the fact that Texas remains a welcoming State for pioneers of all stripes, and we have led the Nation in population growth over the last 2 years, as people have voted with their feet and moved to the land of opportunity, otherwise known as Texas.

They would be proud that even during a severe recession we continue to build businesses, raise families, and make our communities even better places to live. Just like the founding generation, we are showing the world that, when faced with adversity, Texans do not retreat, we reload.

In honor of the founders of the Republic of Texas, and all who are free because of their vision and sacrifice, I say: God bless Texas and may God bless the United States of America.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded; I ask unanimous consent that we reserve the Republican time and that I be able to speak for 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF UNEMPLOYMENT INSURANCE

Mr. SCHUMER. Madam President, I want to speak about the unemployment situation in my home State of New York. By mid-March, 54,000 people will lose their benefits if we don't move forward with the short-term extension of unemployment insurance. That is tragic. It is virtually inhumane.

I have been around my State meeting with people who are looking for work. You look into their eyes and you feel their pain. Many of them are middle-class people who have had very good-paying jobs. Many of them have lost their jobs. Many lost their jobs more than a year ago and they have spent every day, 7 days a week, looking. I met a woman in Rochester. She was No. 2 in human resources for a big company. Her job was her life. She has been looking for 2 years and can't find a job. I plead with my colleague from Kentucky and all of my colleagues on the other side of the aisle—while we are debating a larger bill to extend unemployment benefits, we must allow this to go forward.

We must allow this short-term extension to go forward for the sake of those people who lost their jobs, through no fault of their own, and they are desperately looking for work, but in this awful economy they can't find it.

According to The Hill newspaper, New York is affected No. 1 by this. It is vital, vital, vital that we move this forward. I plead with my friend from Kentucky to reconsider and let the short-term extension move forward. We have done it before under the same conditions we have asked for this time.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I suggest the absence of a quorum and ask that the time during the quorum call not go against the morning business time of either side. I ask that the time now being used in morning business be equally divided.

Mr. BUNNING. Madam President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. I wish to understand what the Senator from New York is trying to do.

Mr. SCHUMER. Will the Senator yield?

Mr. BUNNING. Sure.

Mr. SCHUMER. I am just trying to equally divide the quorum call. I asked unanimous consent that I be allowed to speak for 2 minutes.

Mr. BUNNING. And that was granted.

Mr. SCHUMER. And we go back and everyone get their full allocation of morning business, and that was granted. There was no intention of a quorum call to be taken between either side.

Mr. BUNNING. But that is the normal procedure.

Mr. SCHUMER. I understand.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent to now use time from morning business on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNEMPLOYMENT AND COBRA EXTENSIONS

Mrs. MURRAY. Madam President, right now, families across my home State and the entire country want nothing more than to see us come together and pass meaningful help for the people they see struggling every day. They want to see help for people such as their neighbors and friends and family members who, through no fault of their own, have found themselves out of a job and who, despite their best efforts, are unable to find one today. They want help for the seniors in their communities who are being turned away from doctors because of devastating cuts in Medicare reimbursement rates, or all those who are struggling to afford health care because they lost a job and are now facing the impossible task of affording care on their own.

Americans understand that during these difficult times people need help to make ends meet. They understand there needs to be a lifeline for people who never thought they would need assistance from the government but who now have nowhere else to turn. But what Americans and those in my home State of Washington do not understand is why Washington, DC, cannot seem to deliver; why, when they make hard choices every day in their own lives to support their families and help those in need, Washington, DC, cannot do the same; why, at a time when needs have never been greater, the only words they hear out of Washington, DC, are ''gridlock,'' ''stalemate,'' and ''standstill.''

Today we have a clear-cut example to show the American people what is wrong with Washington, DC; that is because today one single Republican Senator is standing in the way of the unemployment benefits of 400,000 Americans. One single Republican Senator is blocking an extension of COBRA benefits for 500,000 Americans. One single Republican Senator is forcing doctors to take a 21-percent cut in Medicare reimbursement rates that could force seniors to be turned away from the Medicare coverage on which they rely. One single Republican Senator is blocking an extension of critical highway funds that has construction workers and transportation employees at home today and that has cut critical payments to struggling States. One single Republican Senator has put posturing before people, politics before families, and point scoring before the needs of struggling Americans.

The legislation we are trying so hard to pass is very straightforward. It is aimed at helping real families with real problems they face every day, and the consequences of it being blocked by one single Republican Senator are just as real.

The bill we are trying to pass includes an extension of unemployment insurance that, by the way, in my home State hundreds of thousands of individuals rely on to buy groceries and to pay their mortgages and to help pay for school for their kids. For years, these benefits have been routinely extended in tough times. And times, by the way, have rarely been tougher than they are now. But today families in every single one of our States are sitting around their kitchen table trying to figure out how they are going to make it through the weeks and the months ahead without these payments.

This package we are trying to pass also includes an extension of COBRA, health care for workers who lost their jobs through no fault of their own, and health care benefits that come with it. In my home State, thousands of unemployed workers have the ability to see a doctor solely because we have provided this important assistance. It is a provision that is critical because health care is often the single biggest cost that unemployed workers face. In fact, you should know on average a monthly health care premium payment to cover a family costs over $1,000, which represents about 80 percent of the average unemployment check.

Another vital health care measure included in this bill we are trying to pass is a provision that would overturn a staggering 21-percent cut in payments to doctors who accept Medicare patients. Just yesterday my office heard from a doctor in a small community in my State, Poulsbo, WA, who is one of very few in the region who is taking new Medicare patients. He said he feared just what this cut would mean for him and his practice. He told my staff this cut would limit his ability to continue serving the needs of seniors in his area.

He is not alone. In Washington State that cut will affect over 60,000 employees, 700,000 Medicare patients, and nearly 350,000 TRICARE patients.

Finally, this bill also includes an extension of the Federal Transportation Funding Act, which is known as SAFETEA–LU. Allowing SAFETEA–LU to expire, which has now happened, not only hurts construction workers and contractors who are working on these major Federal highway projects in my State and across the country, it leaves our State governments bearing all the burden for the costs of these projects.

In Washington State, a reimbursement payment of $13.5 million for federally sponsored projects that is due tomorrow—tomorrow—is now in limbo, again, all because of one single Republican Senator.

Last October, I was out on this floor fighting for an extension of unemployment benefits, and I told the story of a woman from Seattle whose name is Kristina Cruz. At the time, Kristina had been unemployed for 20 months after spending over 10 years in human resources. Kristina had just written to my office and talked about going above and beyond in her job search, a skill, by the way, she picked up in her career in HR. Even with all her experience, interviews for her have been few and far between. Kristina talked about how she was not interested in living off the government long term and how, in the midst of this economic crisis, she did not have any other choice.

Since I talked last October, Kristina has stayed in touch with my office, and, unfortunately, today she is still having a hard time getting back to work. She recently wrote an e-mail to my office and said:

It's truly devastating to me that I've made choices in my life like getting good grades in school and getting my education, and building up professional experience only to find that I'm unable to get a job.

I thought I had made decisions to help ensure my success in life, and many times, I barely had enough money for food.

My family isn't rich and can't afford to support me. I literally do not know what I'm going to do.

Kristina went on to voice the frustration of so many about the needless holdups in getting this bill passed on providing assistance to struggling Americans. She said:

I find it to be really egregious that we live in a democratic society and yet a few misguided, outlying voices, despite overwhelming bipartisan majority support, can hold up and block a much needed unemployment extension. It really flies in the face of all the things I've learned about in my history books.

I'm not sure how I can survive many weeks and weeks of needless holdups when I have rent and bills to pay. Sometimes I feel that if some of these Senators were forced to walk a day in our shoes, then maybe they would have a sense of how it is to try and survive in this economy.

That opinion is not unique to my State, to one political party, or to an issue. Every evening, families across the country turn on the nightly news and hear another story about gridlock in our Nation's Capital. Oftentimes they have spent their days scanning through the classifieds, going to another job fair with long lines and few job opportunities, or working many times multiple jobs to meet their families' most basic needs. When they get home, they wonder just how we have spent ours.

What they see is this entire Congress forced to spend time fighting with one Republican Senator; a Congress that is forced to jump through procedural hoops and endure endless delay tactics to get meaningful and, by the way, largely bipartisan legislation passed; the obstruction of a single Republican Senator who, by the way, voted to extend these same benefits in 2008 but who has now suddenly changed his mind.

The entire Republican Party, except for a few who have been out here courageously, sit idly by as one of their members brings this entire body to a halt. The American people are sick of this, and the backlash to the blockage of this bill is evidence of that. It is time for all of us to stop and think. Think about Kristina and all the other Americans who sent us here to go to work for them; the people who will watch the news tonight and think: What about me? What about all of us?

Kristina wrote to me again recently to say it seems as though government is broken. I know that sentiment is something we hear all the time now. But the truth is, it is only broken if we allow it to be. It is only broken if we allow stunts such as is happening now to rule the day. If we can come together and put an end to shortsighted political point scoring that says obstruction is good politics and partisanship trumps progress, then we can help struggling families.

If we can join the way we did to pass the Children's Health Insurance Program or fair pay for women in the workplace, we can then restore the faith of the American people. Until we put an end to delays such as the one we face by one Republican Senator today, Americans are going to continue to have every right to be fed up.

I come to the floor of the Senate today to ask the Senator from Kentucky to allow us to finally move forward with consent on this bill so that Americans can get access to the help they desperately need in these very tough economic times. This is critical. Families across our States are hurting, through no fault of their own, through an economic recession they did not make happen.

We all want our country to get back on its feet. We all want to be strong again. We all want this lifeline for our families so that when our country begins running strong again, they can use the skills they have been holding in abeyance and go back to work; so they can get the health care they need for their children and their families until they can get that job and get moving again; so these construction projects across our country do not come to a slamming halt causing more Americans to sit at home without a paycheck, more Americans who cannot go to the store and buy things; so more stores start to fail because they do not have the income they need, and restaurants where people cannot go because they do not have a paycheck.

We are asking that the Republican colleagues who worked with us on this bill come to the floor and urge one Republican Senator to work with us to get consent so we can move past this and get to the job we have come here to do: to get people back to work, to make sure families have health care, to make sure we do the business of this government in a way that works for American families.

I yield the floor.

Madam President, I suggest the absence of a quorum and ask that it be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I ask unanimous consent to speak using the majority time in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I take this time to first thank the Democratic leadership for bringing forward a bill that would extend unemployment insurance; COBRA protection, which allows the unemployed to get health insurance; to extend our highway program, and the reimbursement structure for our physicians under Medicare so our seniors can continue to receive the health care they need.

We have a short-term extension that many of my colleagues have been talking about which would extend these programs so there would be no gap in the unemployment insurance protection Americans are currently receiving—or were receiving as of February 28—allowing them to continue getting the COBRA protections and to continue our highway programs. As has been pointed out, one Senator has exercised his right to object, which has caused major problems for this country, and I feel compelled to talk about this because there are real people being hurt by that decision.

We need a short-term extension so we can continue the orderly process. It is the right thing to do. We all talk about jobs; that we need jobs. Each of us is committed to bringing up legislation that will create more job opportunities for Americans, and the bill that would be on the floor would help us in that effort by extending important tax provisions so businesses can invest in more

jobs for Americans, extending unemployment insurance.

Let me point out, for every dollar we spend in unemployment compensation, it brings back $1.90 to our economy. It is the best stimulus dollar you can put out there. It is immediate. This is an insurance program where employees and employers put money away during good times to pay for benefits during recessions and tough times and we are in a tough time. There are millions of Americans who can't find jobs, who are looking for jobs. Americans want to work but can't find work. Many have been looking for work for a long time—for over a year. Now, because of the objection of one Senator, the benefits that should be paid this week cannot be paid this week.

In my own State of Maryland, 16,405 people were cut off as of Monday from their unemployment compensation. Each one of these individuals represents a family, and this insurance provides them the ability to feed their families, to keep their house out of foreclosure. This is wrong. They can't find work because there are not enough jobs out there, and we need to extend this unemployment compensation. I feel confident we will, but it is wrong for us to have this gap because of the objections of one Senator.

This is hurting our economy. That money should be in our economy. The people who receive this unemployment insurance will use it to buy food, to make purchases that will help our economy. Those dollars are being lost because of the objection of one Senator.

The same thing is true with the COBRA protection. COBRA protection says to a person who is unemployed or who has lost their job that we are going to help them maintain their insurance for their family. Now, because of the objections of the Senator, that help is no longer available to those who are unemployed. As of January, there were 6.3 million Americans who had been unemployed for 6 months or longer. Think about that. How can you afford to pay your insurance premiums for health care if you have been unemployed for 6 months? That is why we passed COBRA protection, so those who had lost their jobs could maintain their health insurance for their families, keep them out of bankruptcy, and to make sure, if they had an emergency, their family could get the needed health care and that it is properly reimbursed.

We all agree that should be done, and the underlying bill we will take up today would extend that throughout the year, which is what it should do. But in the meantime, that protection expired on Monday because of the objections of an individual Senator.

There is the short-term extension of the highway program I wish to mention because 2,000 employees in the Department of Transportation got furlough notices because of our failure to extend that program. I can tell you what it means in my own State of Maryland. It halted work on Federal lands. We had a project—the Great Falls entrance road construction, a $3.1 million project in Montgomery County—that was stopped as a result of the failure to pass this short-term extension.

I could talk about the situation in Medicare. CMS is doing everything they can to make sure the physicians—the 600,000 physicians who treat our seniors every day—will continue to participate in the Medicare system. But as of Monday, there was a 21.2-percent cut in physician reimbursement rates. That is unconscionable, unreasonable, and it will deny our seniors access to care.

We need to do this in an orderly way. The overwhelming majority of the Members of Congress supports the extension the majority leader and the assistant majority leader have made repeatedly on the floor to allow for this short-term extension. We need to move forward with that and then let us come to the floor and debate the longer term extensions. I have a feeling, when that vote comes up on the floor of this body, you will see an overwhelming number of Members voting in favor of the extension of unemployment compensation and insurance protection for the unemployed because it is the right thing to do.

It is the right thing to do as a nation in a recession. It is the right thing to do in order to strengthen our economy and create more job opportunities because that money is spent in our communities and it keeps and expands jobs. It must be part of our strategy in creating more job opportunities for Americans.

I take the floor to encourage my colleague to withdraw his objection, let us move forward in a way that is in the interest of the American people and in the interest of our economy so we can continue to see the types of improvements for job opportunity in America. That should be our priority. It is not a partisan issue. It shouldn't be a partisan issue. We need to work together—Democrats and Republicans—and it starts by removing the objection and letting us get this short-term extension and then coming to the floor to debate the bill on the floor that will extend it through the end of the year, as we should. That is what we should be doing today to help the people in Maryland and the people around this Nation and to help our economy grow.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I would like to echo the remarks of my very distinguished colleague from Maryland, who I know feels so passionately about this and whose own State will suffer dire individual consequences as the failure of unemployment insurance and COBRA and other things begin to hit home in the personal lives of the people in Maryland, the people in my home State of Rhode Island, and people across this country.

With so many Americans struggling to pay their bills, why—why—did thousands of the worst off, including hundreds of Rhode Islanders, have to wake on Monday morning to find their unemployment benefits and COBRA subsidies had expired? Why are people being kicked out of these essential, humane, lifeline programs before the economic storm that put them in that predicament has passed? The answer is, we have failed to do what is right for the American public, in part, because one Republican has chosen this time of great despair for millions of Americans to make a political point—to make a political point about the deficit—by hurting hard-working Americans who are struggling to get by. It appears it is actually more than just one Republican. Others have come to the floor to support him.

But on the home front, the cost is high. Many Rhode Islanders, through no fault of their own, struggle to find work. For many of them, unemployment insurance and COBRA are the lifeline for their ability to support their families, to keep food on the table, and to keep the family covered by health care. This is no abstract issue. It has had a serious impact in Rhode Island. We are a State of just over 1 million. In that State of just over 1 million people, there are 75,000 people, at least, unemployed and looking for work. These are hard-working people, many of whom have worked all their lives, but because of the recession they struggle to find work.

Margaret from North Providence is 61 years old, and she is 6 months away from being eligible for Social Security. She is years from Medicare eligibility. She has now been unemployed for 18 months and her unemployment benefits are expiring. COBRA, for her, has run out as well, so her health care is at risk. She has never been in this situation before in her life and she is, quite understandably, scared of where our irresponsible action leaves her.

Gretchen from Cranston is a laid-off teacher who was receiving COBRA benefits. That helps her pay for her health care. Because of a single Republican obstruction—apparently supported by others—her premiums have increased from roughly $500 a month to over $2,000 a month. She wrote to me saying:

> How horrifying that I should work hard all my life, paying for my entire education, dedicate my career to helping children in poverty and find that my own may be among them.

Gretchen did not expect to be in poverty. She expected that her COBRA benefits would continue. But no, we have cut those off.

Richard in Warren wrote to me asking for us to move quickly on COBRA. Richard's wife has cancer, so they have no choice but to pay for health care coverage. Since he lost his job, Richard has been paying $400 a month for their

health insurance, but the cost has tripled—tripled—with the expiration of COBRA subsidies. Richard should be able to worry about his family, to be able to help his wife through her cancer treatment. He should not have to worry about the political games being played in Washington and the skyrocketing cost he is looking at. He and his wife should be focusing on her care and her treatment. But no, sadly, obstruction and political point-scoring now come first for some of our colleagues.

Margaret, Gretchen, and Richard—and all those across the country who are facing similar situations—are wondering why they have to pay the price for Republicans to make this point about the deficit. Why them? When it was Halliburton's no-bid contracts in Iraq, for which money was borrowed to fund them, where was the concern about the deficit then? For Halliburton's no-bid contracts, the deficit is no problem, evidently. When it was Part D's colossal handout to the pharmaceutical industry—borrowed money—where was the concern then about the deficit? Not when it is the big interests.

When it was the tax cuts for CEOs—big tax cuts for CEOs, for big bankers, for derivatives traders, for hedge fund managers—where then was the concern about the deficit when those tax cuts were passed unfunded?

When the Bush administration inherited from the last Democratic President a balanced budget predicted to yield a zero national debt during the course of the Bush administration—a zero national debt during the course of the Bush administration—and instead the Republicans left us with $12 trillion in national debt, where then was the concern about the deficit?

As one of my colleagues has said, this has been described as a point of principle. The way a principle is defined is that you always stand by it. If it is a sometime thing, it may be a lot of things; it may be an opinion, it may be a maneuver, it may even be an honestly held opinion, but it is not a principle if you only follow it selectively. If the only time you follow it is when struggling, working people are in the crosshairs. But when it is Haliburton's no-bid contracts, when it is tax cuts for CEOs and big bankers and fancy derivatives traders, and when it is the pharmaceutical industry, then it is all fine? That is not a principle. It may be a lot of things but it is no principle.

I urge my colleagues to put politics aside, to do what is right, and to help the millions of Americans who are so badly in need of a little help through this economic downturn that was no fault of their own—hard-working people, trapped in this recession through no fault of their own. I implore my Republican colleagues to start working constructively with us to end this unemployment crisis, to put people back to work, and to help those who are in such dire circumstances now through no fault of their own. That is what we are sent here to do and that is what I will keep fighting for.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate is in a period of morning business.

Mr. LEAHY. Has all time been used in morning business?

The ACTING PRESIDENT pro tempore. No, it has not.

CONCLUSION OF MORNING BUSINESS

Mr. LEAHY. Madam President, I ask to yield back any time remaining in morning business on either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF BARBARA MILANO KEENAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12:15 will be equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS.

The Senator from Vermont is recognized.

Mr. LEAHY. Madam President, the nomination of Justice Barbara Keenan of Virginia to the Fourth Circuit should be noncontroversial; her nomination should have been confirmed long ago. She has the support of her home State Senators. She has the support of Virginians from both parties, and many others. She was approved unanimously by the Senate Judiciary Committee over 4 months ago.

I suspect that like the confirmations of Judge Viken, Judge Lange, Judge Berger, Judge Honeywell, Judge Reiss, Judge Kallon, Judge Nguyen, Judge Seeborg, Judge Gee, Judge Peterson, Judge Martin and Judge Greenaway, this nomination could well be approved unanimously. Instead, in what has become a sorry and unacceptable attitude on the part of Republicans, she has been filibustered. This nomination should have been approved unanimously. We will now have to vote to bring cloture on something that would normally have been done on a voice vote. I am willing to predict she will get an overwhelming vote when they finally allow us to vote on her.

Because of what has happened with these filibusters, the Senate is far behind where we should be in filling judicial vacancies, vacancies that skyrocketed to be more than 100 and more have been announced. We need to do better. The American people deserve better.

Here it is, March 2. On March 2 of President Bush's first term the Senate had confirmed 39 Federal circuit and district court nominations. We, the Democrats, were in the majority. We moved very hard to get those 39 through. That included the period of the 9/11 attacks and the anthrax attack upon the Senate. In spite of all the obstacles, by March 2, Senate Democrats had moved forward to help confirm 39 of President Bush's judicial nominees.

Although the Senate Judiciary Committee has favorably reported 29 of President Obama's Federal circuit and district court nominees to the Senate for final consideration, because of Republican obstruction, the Senate has confirmed only 15 Federal circuit and district court nominees. So, by March 2 of the second year of President Bush's first term, 39; by March 2 of the second year of President Obama's Presidency, 15. That is more than 60 percent fewer. This is despite the fact that President Obama began sending judicial nominations to the Senate 2 months earlier than President Bush, after President Obama's 13 months in office the Senate is has confirmed only 15 Federal circuit and district court judges.

The judiciary is supposed to be out of partisan politics. This is really unacceptable. In fact, I note that during 17 months of President Bush's first term when the Democrats were in charge, we confirmed 100 of his judges. During 31 months with the Republicans in charge, they confirmed approximately 100. We worked very hard to help President Bush though.

The return, instead, is that the Republicans have filibustered nominees, judicial nominees who, when they finally get a vote, get a unanimous vote. This has created a real crisis in the judiciary. Last year's total was the fewest judicial nominees confirmed in the first year of a Presidency in more than 50 years. Those 12 Federal circuit and district court confirmations were even below the 17 the Senate Republican majority allowed to be confirmed in the 1996 session. After that Presidential election year, Chief Justice Rehnquist began criticizing the pace of judicial confirmations and the partisan Republican tactics. I hope the Chief Justice would do what Chief Justice Rehnquist, another Republican did when Republicans were slowing up judicial nominations, and speak to the need to do this.

I have spoken repeatedly to Senate leaders on both sides of the aisle and I made the following proposal: Agree to immediate votes on those judicial

nominees who have been reported by the Senate Judiciary Committee without dissent and agree to time agreements to debate and vote on the others.

We are making a mockery of the Federal judiciary by bringing in such needless partisan politics. This is my 36th year and I have been here with both Republicans and Democrats in the majority, with both Republican and Democratic Presidents. I have never seen anything like this in 36 years. It involves the judiciary in partisan politics in a way that is unprecedented, but it also shames the Senate. The American people are right to ask why they are doing this. It makes no sense.

Among the frustrations is that Senate Republicans have delayed and obstructed nominees chosen after consultation with Republican home state Senators. Despite President Obama's efforts, Senate Republicans have treated his nominees much, much worse.

I noted when the Senate considered the nominations of Judge Christina Reiss of Vermont and Mr. Abdul Kallon of Alabama relatively promptly that they should serve as the model for Senate action. Sadly, they are the exception rather than the model. They show what the Senate could do, but does not. Time and again, noncontroversial nominees are delayed. When the Senate does finally consider them, they are confirmed overwhelmingly. Of the 15 Federal circuit and district court judges confirmed, 12 have been confirmed unanimously.

That is right. Republicans have only voted against 3 of President Obama's nominees to the Federal circuit and district courts. One of those, Judge Gerry Lynch of the Second Circuit, garnered only three negative votes and 94 votes in favor. Judge Andre Davis of Maryland was stalled for months and then confirmed with 72 votes in favor and only 16 against. Judge David Hamilton was filibustered in a failed effort to prevent an up-or-down vote.

The obstruction and delay is part of a partisan pattern. Even when they cannot say ''no,'' Republicans nonetheless demand that the Senate go slow. The practice is continuing. This is the 17th filibuster of President Obama's nominees. That does not count the many other nominees who were delayed or are being denied up-or-down votes by Senate Republicans refusing to agree to time agreements to consider even noncontroversial nominees.

Senate Republicans unsuccessfully filibustered the nomination of Judge David Hamilton of Indiana to the Seventh Circuit, despite support for his nomination from the senior Republican in the Senate, DICK LUGAR of Indiana. Republicans delayed for months Senate consideration of Judge Beverly Martin of Georgia to the Eleventh Circuit, despite her endorsement from both her Republican home State Senators. When Republicans finally agreed to her consideration on January 20, she was confirmed unanimously. Whether Jeffrey Viken or Roberto Lange of South Dakota, who were supported by Senator THUNE, or Charlene Edwards Honeywell of Florida, who was supported by Senators MARTINEZ and LEMIEUX, virtually all of President Obama's nominees have been prevented prompt Senate action by Republican objections.

But instead of making progress by promptly considering Justice Keenan's noncontroversial nomination, we are now facing yet another Republican filibuster. There is no explanation for these delays, nor could there be. Justice Keenan is currently a justice on the Supreme Court of Virginia; she has an impressive judicial background. She has been a judge for the last 29 years—half of her life—and has served on each of the four levels of the Virginia State courts. If confirmed, Justice Keenan would be the first woman from Virginia to serve on the Fourth Circuit. She was also the first female general district court judge in Virginia, the first female circuit court judge in that State, the first woman named to the Virginia Court of Appeals, and the second female justice on the Virginia Supreme Court.

The American Bar Association's Standing Committee on the Federal Judiciary has unanimously rated her ''well qualified''—its highest rating—to sit on the Fourth Circuit. The Virginia State Bar rated her ''highly qualified'' by unanimous vote, and bar associations throughout the State gave her their highest recommendation. Many of the lawyers who make up those associations have practiced before Justice Keenan, so their strong support of her nomination is telling.

Republican Senators should act as we acted when we worked together to reduce vacancies during the Bush administration. In fact, our work led to a reduction in vacancies in nearly every circuit. When President Bush left office, we had reduced vacancies in 9 of the 13 circuits from when President Clinton left office. One of the circuits where we succeeded in reducing vacancies was the Fourth Circuit, the circuit to which Justice Keenan has been nominated.

Like the nomination of Steven Agee of Virginia to the Fourth Circuit, confirmed in President Bush's last year in office by a Senate with a Democratic majority, Justice Keenan's nomination should be able to be confirmed without further obstruction and delay. The Senate proceeded quickly to consider the Agee nomination, even though it was a Presidential election year, because President Bush had cooperated with the home State Senators to withdraw the controversial nomination of Duncan Getchell and instead nominate Judge Agee. Mr. Getchell had been nominated over the objection of both Virginia Senators, a Republican and a Democratic, and his nomination was finally withdrawn after many wasted months. The Agee nomination also followed years of contentiousness, as President Bush insisted on nominations like those of Jim Haynes and Claude Allen. When a President from either party works with home State senators to identify noncontroversial, well-qualified nominees, the Senate should move quickly to consider them.

Regrettably, it has taken the Senate twice as long to consider Justice Keenan's nomination as it did Judge Agee's for a seat on the same Court. The Senate can and must do better for the American people and the rule of law.

There is an easy place to start. The Senate can virtually double its total by considering the 14 judicial nominees currently on the Senate Executive Calendar without additional delay. In December, I made several statements in this Chamber about the need for progress on the nominees reported by the Senate Judiciary Committee. I also spoke repeatedly to Senate leaders on both sides of the aisle and made the following proposal: Agree to immediate votes on those judicial nominees that are reported by the Senate Judiciary Committee without dissent, and agree to time agreements to debate and vote on the others.

At the time there were six judicial nominees on the Senate Executive Calendar that no Republican member of the Judiciary Committee had opposed. Republicans refused. We have considered just three of those nominations in the last 3 months. They were each confirmed unanimously, without a single Republican Senator voting or speaking against them. It should not have taken 3 months to confirm three nominees unanimously. It has become the Republican strategy of delay—delay even those nominees they support. They delayed confirmation of Judge Beverly Martin of Georgia to the Eleventh Circuit until this year. They delayed confirmation of Judge Joseph Greenaway of New Jersey to the Third Circuit until last month. Still, three of the nominees who were reported unanimously last year are still stalled on the Senate Executive Calendar awaiting Republican agreement to vote on them.

I renew my proposal. There are now eight judicial nominations on the Senate Executive Calendar that were reported from the Senate Judiciary Committee without a single dissenting vote, including Barbara Keenan. When Republicans allow the Senate to consider them, they will all be approved overwhelmingly, if not unanimously. I urge Republicans to agree to consider and confirm them today.

I further call upon Republicans to agree to time agreements on each of the other six judicial nominees ready for final Senate action. Only one Republican Senator in the Judiciary Committee voted against Judge Wynn of North Carolina; only three voted against Judge Vanaskie of Pennsylvania; only four voted against Ms. Stranch of Tennessee, who is supported by the senior Senator from Tennessee, a Republican and a member of the Senate Republican leadership. Senate Republicans should identify the time they

require to debate the nominations of Justice Butler of Wisconsin, Judge Chen of California and Judge Pearson of Ohio, who are all well-qualified nominees for district court vacancies, which are typically considered and confirmed without lengthy debate.

During the debate on Judge Martin's nomination earlier this year, several misstatements were made on the floor of the Senate. I corrected the record on January 25. More recently, during Senate consideration of Judge Greenaway's nomination, additional misstatements were made here. It may be that some Republicans were unaware of the efforts by me, the Senators from New Jersey, and the Democratic leadership to consider Judge Greenaway's nomination earlier. Republicans were repeatedly asked to agree to consider both the Martin and Greenaway nominations. The majority leader stated so on January 22, as did I on January 25. Those efforts began long before January 22. Perhaps those Republicans who say it only took 2 weeks to schedule the Greenaway vote did not know of those discussions. But it still does not answer the question of why it took 2 weeks for Republicans to agree hold a vote that was unanimous.

In addition, the record should be clear that the New Jersey Senators had indicated their support for the Greenaway nomination since it was first announced, and were in no way a source of delay. Neither Senator ''refused'' or ''failed'' to send in their consent to proceed. To the contrary, the hearing on the Greenaway nomination was in September, because I honored Republicans' request that committee not to proceed with additional hearings in the summer, while a Supreme Court nomination was being considered. The fact is that during those months, it was Senate Republicans who were unprepared to proceed to a hearing on the Greenaway nomination. There is no cause to blame the Senators from New Jersey for delays in considering that nomination. Republicans' suggestion that Democrats are delaying in their consent to advance these nominations is also more than ironic since they have never acknowledged, nor accepted, responsibility for pocket filibustering more than 60 of President Clinton's judicial nominees. In fact, when I became chairman of the Judiciary Committee, I made Senators' consent forms, or blue slips, public for the first time. I am still waiting for Republicans to agree to make public their blue slips from 1993 through 2000. Because of the change I made, the anonymous holds that obstructed so many of President Clinton's nominees did not continue under President Bush. Regrettably, unlike President Obama, his predecessor did not work with Senators of the other party on nominations. It is no secret that the reason the committee did not proceed on President Bush's nominee to the vacancy on the Third Circuit from New Jersey was because the New Jersey Senators did not consent.

So when Senator SESSIONS says that he respects me for consulting with home State Senators, and in the same statement criticizes me for consulting with home State Senators, it is a bit disturbing. When he asks me not to hold hearings and then criticizes me for supposedly delaying hearings, it is not fair. When the Republicans are not ready to proceed on a nomination and then attribute the delays to others, it is wrong. Maybe the lesson is that I should not accommodate Republican requests but press the schedule more quickly, because otherwise I risk being accused of going too slowly.

We have seen unprecedented obstruction by Senate Republicans on issue after issue—over 100 filibusters last year alone, which affected 70 percent of all Senate action. Instead of time agreements and the will of the majority, the Senate is faced with a requirement to find 60 Senators to overcome a filibuster on issue after issue. The Senate was not allowed to complete action on short extensions of unemployment insurance benefits, the Satellite Home Viewer Act, and other needed measures last week because of Republican objection. Unfortunately, we have seen the repeated abuse of filibusters, and delay and obstruction have become the norm for Senate Republicans.

Just as Senate Republicans reversed themselves when it came time to vote on the deficit reduction commission that they had sponsored; just as Senate Republicans who voted for the USA PATRIOT Act Sunset Extension Act, S. 169, which was reported by the Senate Judiciary Committee last October, have reversed themselves and abandoned it; so, too, have Senate Republicans reversed themselves on filibusters against nominations. Those who just a short time ago said that a majority vote is all that should be needed to confirm a nomination, and that filibusters of nominations are unconstitutional, have reversed themselves and now employ any delaying tactic they can. They have ratcheted up their partisanship to delay and obstruct the President's nominees—once the American people elected a Democratic President.

The Republican practice of making supermajorities the new standard to proceed to consider many noncontroversial and well-qualified nominations for important posts in the executive branch, and to fill vacancies on the Federal courts, is having a debilitating effect on our government's ability to serve the American people. Hardworking Americans who seek justice in our overburdened Federal courts are the ones who will pay the price for Republicans' obstruction and delay. They deserve better.

Even after years of Republican pocket filibusters that led to skyrocketing judicial vacancies, Democrats did not practice this kind of obstruction and delay in considering President Bush's nominations. We worked hard to reverse the Republican obstructionism. In the second half of 2001, the Democratic majority in the Senate proceeded to confirm 28 judges. During just the second year of President Bush's first term, the Democratic Senate majority confirmed 72 judicial nominations and helped reduce the vacancies left by Republican obstructionism of President Clinton's judicial nominees from over 110 to 59 by the end of 2002. Overall, as I have noted, in the 17 months that I chaired the Senate Judiciary Committee during President Bush's first term, the Senate confirmed 100 of his judicial nominees. By comparison, the total number of Federal circuit and district court judges confirmed during the 13 months President Obama has been in office is barely 15 percent of that total.

Senate Democrats continued to work to reduce vacancies even during President Bush's last year in office. With Senate Democrats again in the majority, we reduced judicial vacancies to as low as 34, even though it was a presidential election year. When President Bush left office, we had reduced vacancies in 9 of the 13 Federal circuits.

As matters stand today, judicial vacancies have spiked again, as they did due to Republican obstruction in the 1990s. These vacancies are again being left unfilled. We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. While it has been nearly 20 years since we enacted a Federal judgeship bill, judicial vacancies are nearing record levels, with 104 current vacancies and another 22 already announced. If we had proceeded on the judgeship bill recommended by the Judicial Conference to address the growing burden on our Federal judiciary, as we did in 1984 and 1990, in order to provide the resources the courts need, current vacancies would stand over 160 today and would be headed toward 180. That is the true measure of how far behind we have fallen.

Republican Senators insisted on stalling confirmation of the nomination of Judge Gerard Lynch, who was confirmed with more than 90 votes. They insisted on stalling the nomination of Judge Andre Davis, who was confirmed with more than 70 votes. They unsuccessfully filibustered the nomination of Judge David Hamilton last November, having delayed its consideration for months. They stalled Judge Beverly Martin's nomination for at least 2 months because they would not agree to consider it before January 20. They stalled for 3 additional weeks on Judge Greenaway's nomination before he was confirmed unanimously. We have wasted weeks and months having to seek time agreements in order to consider nominations that were reported by the Senate Judiciary Committee unanimously and who are then confirmed overwhelmingly by the Senate once they are finally allowed to be considered.

I, again, urge Senate Republicans to reconsider their strategy and allow prompt consideration of all 14 judicial nominees awaiting Senate consideration, not just Barbara Keenan of Virginia, but also the following nominees: Jane Stranch of Tennessee, nominated to the Sixth Circuit; Judge Thomas Vanaskie of Pennsylvania, nominated to the Third Circuit; Judge Denny Chin of New York, nominated to the Second Circuit; Judge William Conley, nominated to the Western District of Wisconsin; Justice Rogeriee Thompson of Rhode Island, nominated to the First Circuit; Judge James Wynn of North Carolina, nominated to the Fourth Circuit; Judge Albert Diaz of North Carolina, nominated to the Fourth Circuit; Judge Edward Chen, nominated to the Northern District of California; and Justice Louis Butler, nominated to the Western District of Wisconsin; Nancy Freudenthal, nominated to the District of Wyoming; Denzil Marshall, nominated to the Eastern District of Arkansas; Benita Pearson, nominated to the Northern District of Ohio and Timothy Black, nominated to the Southern District of Ohio.

(The remarks of Mr. LEAHY and Mr. SESSIONS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER (Mr. CASEY). The Senator from Vermont.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. WEBB. Mr. President, I rise again to speak on behalf of Justice Barbara M. Keenan, the nominee to serve on the Fourth Circuit. I would like to point out this is the third time I have had the pleasure of outlining her qualifications and also would like to express my regret that the Senate is again being forced to waste valuable time that could be used toward solving greater problems in our country in order to go through these repeated delays on votes that are going to be, if not unanimous, certainly well above 90 of our body in favor of this type of nomination.

The American people are commenting about how the Congress is not addressing the true problems of the country. I think this is an example that perhaps all those who are interested in our political system can comprehend rather quickly, of obstructionism and of the unnecessary delay of the appointment of individuals who are vitally needed as we look at the state of our judicial system today.

Justice Keenan was voted out of committee in October of last year by a unanimous voice vote. Her nomination is noncontroversial. She has been a dedicated public servant, a fair and balanced jurist. Her nomination has broad bipartisan support not only in this body but also in the Commonwealth of Virginia. So I again believe it is critical we move forward as quickly as possible to confirm this nomination.

There are currently four vacancies on the Fourth Circuit—more than any other circuit in our country. This seat that Justice Keenan would fill has been vacant now for more than 2 years. She is an extraordinary choice to fill this vacancy.

She has been a State supreme court justice since 1991. She has been a trailblazer for women in the law throughout her career. At the age of 29, she was the first female general district court judge in Virginia, when she was selected for the Fairfax County bench in 1980. She became the first female circuit court judge when she was promoted to that court in 1982. In 1985, she was 1 of 10 judges named to the first Virginia Court of Appeals and was the only woman on that court when it was first created. She was selected for the State supreme court, the second female justice ever to serve there, in 1991. She was, in fact, the first judge to serve on all four levels of Virginia's courts.

As I pointed out in my previous floor remarks, I think it is very important for the understanding of this body to point out that when Governor McDonnell was recently sworn into office, he specifically requested that Justice Keenan deliver him that oath of office. In fact, Governor McDonnell has released a statement where he said:

> Virginia Supreme Court Justice Barbara Keenan is one of the foremost legal minds in our Commonwealth. . . .Her nomination by the President for the United States Court of Appeals for the Fourth Circuit is one that should be viewed favorably and acted upon expeditiously. Justice Keenan has dedicated her career to public service . . . I look forward to her service on the Fourth Circuit bench.

This is from Governor McDonnell, who is from the Republican Party, and I think it is a clear indication of the broad respect this individual has within the Commonwealth.

I am mindful of the Senate's constitutional role in confirming executive nominations. This is vitally important. We have a robust vetting process. Debate is important and appropriate. We have conducted, inside the Virginia delegation, that kind of vetting process which resulted in Justice Keenan's name being moved forward.

Again, in the name of pragmatic bipartisanship and in the spirit of good governance in the way we should be spending valuable time on the Senate floor, with so many issues affecting this country, we need to move past these artificial barriers. We need to stop putting delays in front of the types of issues we should be confronting. Let's get on with the business of governing.

Again, as I pointed out in my previous statement, of the 876 Federal judgeships, there are currently 100 vacancies. These vacancies delay the administration of justice, they delay the resolution of disputes, and they diminish our citizens' right to a speedy trial. They affect the respect for our whole governmental process.

In light of the fact that my prediction is Justice Keenan will get, if not 100 votes in this body—I doubt she will get 1 or 2 negative votes in this whole body—there is no need for us to go through hours and hours of debate and delay in order to get her where she needs to be; that is, on the Fourth Circuit. So I am asking my colleagues across the aisle if we might not move this nomination forward in a timely way.

With that, I yield the floor.

Mr. CARDIN. Mr. President, I rise today to urge the Senate to invoke cloture on the nomination of Barbara Milano Keenan of Virginia to be a United States circuit judge for the Fourth Circuit.

I had the privilege to chair Justice Keenan's confirmation hearing on October 7 of last year. The Judiciary Committee reported out her nomination by voice vote on October 29 of last year. And here we are today over 4 months later, just now debating the nomination.

I take a special interest in the fourth Circuit, as it includes my home State of Maryland. In May 2008 I chaired the confirmation hearing for Justice Steven Agee, who also served on the Virginia Supreme Court and was confirmed to be a U.S. circuit judge for the Fourth Circuit. In April 2009 I chaired the confirmation hearing for Judge Andre Davis of Maryland, who was overwhelmingly confirmed by the Senate by a 72 to 16 vote in November.

I mention these nominations by way of background for my colleagues, because the Fourth Circuit has one of the highest vacancy rates in the country today. Out of the 15 seats authorized by Congress, 4 are vacant, which means over one-quarter of the court's seats are now vacant. Our circuit courts of appeals are the final word for most of our civil and criminal litigants, as the Supreme Court only accepts a handful of cases. I had hoped that the Senate will move more quickly to nominate and confirm qualified candidates for these seats. I also look forward to increasing the diversity of the judges of the Fourth Circuit.

So I don't understand why the Senate has been moving so slowly on nominations, most of which are not controversial. Of the 15 Federal circuit and district court judges confirmed during President Obama's tenure, 12 have been confirmed unanimously. Republicans have only voted against three of President Obama's nominees to the Federal circuit and district courts. I expect that when Justice Keenan comes to a vote, she will be overwhelmingly confirmed, if not unanimously confirmed. So why is the Senate waiting more

than 4 months to act on her nomination after it has been reported by the Judiciary Committee by a voice vote?

We started 2010 with the highest number of vacancies on article III courts since 1994, when the vacancies created by the last comprehensive judgeship bill were still being filled. Judicial vacancies are nearing record levels, with 102 current vacancies and another 23 already announced.

Justice Keenan comes to the Senate with an impressive amount of experience. She has served on each of the four levels of the Virginia State courts: General District Court, Circuit Court, Court of Appeals, and Supreme Court. She was admitted to the State Bar of Virginia in 1974. She first took the bench at the age of 29, and fittingly has served for a judge for the last 29 years. Before serving as a judge, she worked as an attorney in private practice and as a local prosecutor.

Justice Keenan has presided over an impressive amount of cases. She presided over several thousand cases of to judgment as a judge of the General District Court of Fairfax County, VA, which includes misdemeanors and smaller civil cases. As a circuit court judge, she presided over 600 cases that proceeded to verdict or judgment, and handled a wide range of criminal and civil cases, including both jury trials and bench trials. Finally, Justice Kennan now serves on the Virginia Supreme Court, a position she has held since 1991. I understand that under Virginia law, Supreme Court Justices serve 12 year-terms, and then must seek reappointment by the State general assembly. Justice Keenan was unanimously reappointed by the general assembly.

If confirmed, Justice Keenan would be the first woman from Virginia to serve on the Fourth Circuit.

Justice Keenan earned her B.A. from Cornell University, her J.D. from the George Washington University Law School, and her L.L.M. from the University Of Virginia School Of Law.

She received a unanimous rating of ''well qualified'' by the American Bar Association's Standing Committee on the Federal Judiciary, which is their highest rating.

So I am pleased to join Senators WEBB and WARNER today on the floor in support of her nomination. I commend the Senators on the process they used to make recommendations to the White House for the Virginia vacancy.

I hope the Senate will invoke cloture on this nomination today, and then take final action to confirm this nomination without any further delay.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes, using part of the Republican time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I rise to speak in support of the nomination of Justice Barbara Keenan to serve on the U.S. Court of Appeals for the Fourth Circuit.

In the summer of 2009, my colleague and friend, Senator WEBB, and I had the honor of interviewing a number of potential candidates to serve on the U.S. Court of Appeals for the Fourth Circuit. We were enormously impressed by the quality of all the candidates being considered. But one candidate rose to the top of the list because of her extensive experience, her judicial temperament, and her commitment to the law. That candidate was Justice Barbara Keenan.

President Obama nominated Justice Keenan last September, and in late October the members of the Senate Judiciary Committee reported her nomination by unanimous consent.

Justice Keenan's nomination has been on the Senate Calendar for 4 months now. I believe it is time for this Chamber to consider the nomination and give Justice Keenan an up-or-down vote.

Justice Keenan has served with distinction at every level of State court in Virginia. She has served as a justice on the Virginia Supreme Court since 1991. She also served on the Fairfax County General District Court, the Circuit Court of Fairfax County, and the Court of Appeals of Virginia. Every one of Virginia's bars, including the State bar and the State Bar Judicial Nominations Committee, have all recognized Justice Keenan and recommended her with their highest approval rating—either ''highly qualified'' or ''highly recommended.''

I might also mention in passing that Justice Keenan was the first woman appointed to the bench in Virginia and was one of the original 10 appointees to the Virginia Court of Appeals during its creation in 1985. Lest any of my colleagues on either side of the aisle think this falls on the partisan divide that so often I think stymies this body, Justice Keenan not only has the support of Senator WEBB and myself, but she has the support of our new Republican Governor, Governor McDonnell. Justice Keenan actually administered the oath of office to Governor McDonnell just 6 weeks ago.

I am a new Member of this body, and perhaps I sometimes don't always understand the rules and process. However, it does seem strange to me that a justice who is as highly regarded and recommended as Justice Keenan—someone whom the President nominated months and months ago and someone who has received unanimous support in the Senate Judiciary Committee and someone who has the support not only of both Senators from Virginia but our Republican Governor—has had to wait so long to get a vote.

So I am hopeful the Senate will act on this nomination. I look forward to casting my vote in support of Justice Barbara Keenan's nomination, and I encourage my colleagues on both sides of the aisle to vote for cloture so we can move to that very important vote and fill one more of these vacancies on a very important court in the Fourth Circuit.

Mr. President, I thank you for the time. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that all remaining time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Barbara Milano Keenan, of Virginia, to be a United States Circuit Judge for the Fourth Circuit.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Barbara Milano Keenan, of Virginia, to be a United States Circuit Judge for the Fourth Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 29 Ex.]

YEAS—99

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Franken	Murray
Bennet	Gillibrand	Nelson (NE)
Bennett	Graham	Nelson (FL)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagan	Reid
Brown (MA)	Harkin	Risch
Brown (OH)	Hatch	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burris	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	LeMieux	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Crapo	Lincoln	Webb
DeMint	Lugar	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden

NOT VOTING—1

Hutchison

The PRESIDING OFFICER. On this vote, the yeas are 99, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. CARDIN. Mr. President, I ask unanimous consent that the vote on the confirmation of the nominee occur at 2:15 p.m. and that postcloture time be considered expired at that time; that upon confirmation, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session; further, after this unanimous consent request is granted, the Senate then stand in recess until 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:42 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

EXECUTIVE SESSION

NOMINATION OF BARBARA MILANO KEENAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT—Continued

Mr. DODD. Mr. President, I ask for the yeas and nays on the pending nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Under the previous order, the question is, Will the Senate advise and consent to the nomination of Barbara Milano Keenan of Virginia to be United States Circuit Judge for the Fourth Circuit.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent that each side be allowed 1 minute before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, as with so many other nominations before the Senate, Justice Keenan has waited an extraordinary amount of time to be confirmed. Her nomination was reported without dissent by the Judiciary Committee more than 4 months ago. The unprecedented pattern of delay and obstruction by Senate Republicans on issue after issue—over 100 filibusters last year—has affected 70 percent of all Senate action. We have to file cloture just to bring up a noncontroversial matter.

In addition to the Keenan nomination, 10 judicial nominations that received bipartisan support are being delayed. The Senate can almost double the total number of judicial nominations confirmed by stopping the filibusters—by not requiring that and vote up or down.

Americans elect us to vote yes or no, not to vote maybe, and when you have a filibuster, you vote maybe. We ought to have the guts to vote yes or vote no.

The nomination of Justice Barbara Keenan of Virginia to the Fourth Circuit is noncontroversial. She should have been confirmed long ago. She has the support of her home State Senators and that of Virginians from both parties, and many others. She was approved unanimously by the Senate Judiciary Committee over four months ago. As I predicted, and as the Senators from Virginia predicted, the Senate unanimously voted to end the filibuster of this nomination, 99–0. No member of the Senate has spoken in opposition to her nomination. There is no reason she should not be confirmed unanimously.

Despite the overwhelming support for Justice Keenan, the Senate's consideration of her nomination was filibustered by Senate Republicans. Just as one Senator has objected to passing unemployment insurance and COBRA benefits and Medicare payments for doctors and extending the Satellite Home Viewer Act, Republicans refused to agree to debate and vote on the nomination of Justice Keenan. In fact, they have refused to consider any judicial nominations for the last three weeks. Delay and obstruction, obstruction and delay. Even for nominations that will be confirmed unanimously.

The Senate is far behind where we should be in helping to fill judicial vacancies. Vacancies have skyrocketed to more than 100, and more have been announced. We need to do better. The American people deserve better.

Instead of time agreements and the will of the majority, the Senate is faced with requiring cloture petitions and 60 votes to overcome a filibuster on issue after issue. In addition to the Keenan nomination, 10 judicial nominations that received strong bipartisan support in the Judiciary Committee—including seven that were reported without dissent—should be considered without delay. Debate should be scheduled, and votes taken on each of 14 judicial nominees stalled who have already been considered and favorably reported by the Judiciary Committee. Only 15 Federal circuit and district court judges have been considered by the Senate during President Obama's 13 months in office. By this date during President Bush's first term, the Senate had confirmed 39 judicial nominees. The Senate can almost double the total number of judicial nominations it has confirmed by considering the other judicial nominees already before the Senate awaiting final action. We should do that now, without more delay, without additional obstruction.

In December, I made several statements in this chamber about the need for progress on the nominees reported by the Senate Judiciary Committee. I also spoke repeatedly to Senate leaders on both sides of the aisle and made the following proposal: Agree to immediate votes on those judicial nominees that are reported by the Senate Judiciary Committee without dissent, and agree to time agreements to debate and vote on the others. I, again, urge Senate Republicans to reconsider their strategy of obstruction and allow prompt consideration of all 14 judicial nominees currently awaiting final Senate consideration. There is no need for these to be dragged out week after week, month after month, with only a single nominee being considered every several weeks. End the blockage of this President's nominees and vote on them.

I congratulate Justice Keenan on her confirmation today. I look forward to the time when the 13 additional judicial nominees being stalled are released from the holds and objections that are preventing votes on their confirmations.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, after all we have done to work with the distinguished chairman of the Judiciary Committee, he still complains. I am amazed.

This nominee seems to be a solid nominee. The President has due deference on nominees, and I think she should be confirmed and I will support her. But President Bush's nominees, for example, to the circuit courts, waited an average of 350 days from nomination to confirmation. And that was just the average. President Obama's circuit nominees have been confirmed, on average, 100 days faster.

Indeed, some of President Bush's nominees to the circuit courts even received a hearing, despite being highly qualified and highly rated nominees.

The majority of President Bush's first nominees waited years for confirmation—the first group he put up.

But besides that, as I told the chairman, I hope to end the tit-for-tats on this issue. He is having a good record of moving nominees who are good, and the ones who are opposed on this side will be vigorously opposed. But this nominee is qualified, and I support the nominee and urge my colleagues to do so.

I yield the floor.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 30 Ex.]

YEAS—99

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Franken	Murray
Bennet	Gillibrand	Nelson (NE)
Bennett	Graham	Nelson (FL)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagan	Reid
Brown (MA)	Harkin	Risch
Brown (OH)	Hatch	Roberts
Brownback	Inhofe	Rockefeller
Bunning	Inouye	Sanders
Burr	Isakson	Schumer
Burris	Johanns	Sessions
Byrd	Johnson	Shaheen
Cantwell	Kaufman	Shelby
Cardin	Kerry	Snowe
Carper	Klobuchar	Specter
Casey	Kohl	Stabenow
Chambliss	Kyl	Tester
Coburn	Landrieu	Thune
Cochran	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	LeMieux	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Crapo	Lincoln	Webb
DeMint	Lugar	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden

NOT VOTING—1

Hutchison

The nomination was confirmed.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPIRING PROVISIONS AND JOB CREATION

Mr. BAUCUS. We now return to the urgent legislation to create jobs and extend vital safety net and tax provisions.

This urgent legislation would prevent millions of Americans from falling through the safety net. It would extend vital programs that expired Sunday. It would put cash into the hands of Americans who would spend it quickly, boosting economic demand.

It would extend critical programs and tax incentives that create jobs. Let me be specific. Just today, we received detailed estimates from the National Economic Council on what would happen if we fail to act. Unless we act, a half million workers who lose their jobs nationwide, including nearly 1,600 in Montana, would be ineligible for help paying for their health insurance under COBRA.

Unless we act, the average doctor in America would stand to lose more than $16,600 in payments for Medicare. The average doctor in Montana would lose about $13,000. Unless we act, nearly 40 million Medicare beneficiaries and nearly 9 million TRICARE beneficiaries nationwide would be affected. That includes nearly 144,000 Montanans with Medicare and nearly 33,000 Montanans with TRICARE.

Unless we act, 400,000 Americans would be ineligible for expanded unemployment insurance benefits. This is urgent legislation. We must extend this legislation, and soon.

We had a productive day on the bill yesterday. Senator SESSIONS offered his amendment to impose discretionary spending caps. This is essentially the same amendment the Senate rejected on January 28. A point of order lies against the amendment under section 306 of the Congressional Budget Act, which requires 60 votes to waive that point of order. At the appropriate time, I intend to raise that point of order against the Sessions amendment.

As well, Senator THUNE offered his amendment proposing business tax cuts offset by cutting back stimulus funding in the Recovery Act. This is essentially the same argument the Senator from Kentucky, Mr. BUNNING, has been raising on the narrower, short-term unemployment and COBRA extension bill. The Senator from South Dakota and the Senator from Kentucky both seek to cut back the Recovery Act.

I believe these efforts are mistaken. Let me tell you why. On issues relating to the budget and the economy, we turn to the nonpartisan Congressional Budget Office for the straight story. They are the neutral referees, and the CBO says the Recovery Act is working. That is why it would be a mistake to cut back on the Recovery Act.

Last month CBO issued its report on the effects of the Recovery Act in the fourth quarter. In that report, this is what the CBO said:

> CBO estimates that in the fourth quarter of calendar year 2009, the Recovery Act added between 1 million and 2.1 million to the number of workers employed in the United States, and it increased the number of full-time equivalent jobs by between 1.4 million and 3 million.

That is what CBO says. They say the Recovery Act created or saved between 1 and 3 million jobs. That is real job creation. That means the Recovery Act is working. That is why we need to defeat efforts such as that made by the Senator from Kentucky and the Senator from South Dakota to cut back on the Recovery Act. Cutting back on a proven job creator is the last thing we would want to do right now.

We are working to line up votes on the pending amendments and an amendment the Senator from Kentucky seeks to offer on the short-term unemployment and COBRA bill. I am hopeful we may be able to reach an agreement on these matters this afternoon. I thank all Senators for their cooperation.

The PRESIDING OFFICER (Mrs. GILLIBRAND.) The Senator from Illinois is recognized.

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOVING FORWARD TOGETHER

Mr. BURRIS. Madam President, as a freshman Member of this body, I have a great deal of respect for those who have been a part of this institution for many years.

On both sides of the aisle, veteran Senators lend their experience, and their invaluable knowledge of procedure, to the debates that take place in this Chamber every day.

And, as anyone who knows the history of the Senate can tell you, this has always been a friendly place, no matter which party is in control.

This has always been a place where political leaders could disagree without being disagreeable, no matter how vast their differences happen to be. This Senate has always been governed by mutual respect, mutual trust, and mutual friendship. Without these key ingredients, it is impossible for us to work together.

Such was the genius of our Founding Fathers, who framed this system of government.

They knew that partisan politics would rage outside these walls, so they created the Senate to be a refuge for those who are prepared to move forward together to solve national problems.

The history of this Chamber is filled with legendary stories of compromise, of relationships across party lines that drove Senators from different backgrounds to find common purpose.

Our dear friend Senator Kennedy, the last lion of this Senate, was one of the greatest at forging bipartisan consensus and fostering mutual respect with the other side.

These stories remind us of the value of civil discourse. They speak to the necessity of working with one another,

not against one another, to confront the challenges we face.

But, I am beginning to wonder if these stories are just stories.

Although I have served in this Chamber for only a short time, I recognize that the atmosphere in this body is not what it once was.

I hear the accounts of bipartisan cooperation in the past, but I see fewer and fewer examples of it today.

In fact, just last week, the country watched as two centuries of Senate procedure and privilege were abused for partisan gain.

My colleagues and I were trying to move forward with a bill that extended unemployment benefits, health insurance for the unemployed, lending assistance for small businesses, and other important programs.

No part of this bill was new or controversial. No part of it would significantly change the existing programs that were in place, which were due to expire at the end of the week. We all knew that, if this Senate failed to take action, all of these programs would grind to a halt almost immediately.

Ordinary Americans across the country would stop getting their unemployment checks and their COBRA health benefits. Small businesses would see credit dry up literally overnight. In the middle of the worst economic crisis in decades, this would be a disaster. It would be the last thing that America needed as we tried to help people get back on their feet. But that is exactly what happened when my friend from Kentucky decided to raise objection. In an instant, a single Republican Senator slammed the door on the American people, and left thousands of ordinary folks out in the cold.

He cut off assistance for those who need it most. He denied unemployment insurance to those who lost their jobs through no fault of their own.

Just when folks were beginning to feel a bit more optimistic, my good friend from Kentucky held up his hand and said, ''Not so fast.''

As a result, on Sunday night, 15,000 Illinoisans lost their unemployment benefits. Another 15,000 will lose their benefits next week, and the week after, until my Republican friend drops his objection and allows us to pass an extension. These are folks who have felt the worst effects of the economic crisis. They are ordinary people, ordinary American families, who cannot afford to miss a check.

But the Senator from Kentucky has objected to continuing these programs. He has prevented the government from putting these checks in the mail. He has frozen the credit that will allow small businesses to create jobs and put more people back to work. He has sent thousands of Federal workers home without pay. He has shut down important highway projects all across America.

I have been in public service for almost 30 years. In all that time, I have never seen anything like this outrageous abuse of senatorial privilege.

We can argue about policy. We can debate legislation. We can discuss procedure and disagree about political tactics. But I believe it is wrong to play politics with people's lives. And I urge my friend from Kentucky to stop.

If my colleagues and I are able to overcome these objections and pass this bill in the next few days, we may be able to restore these benefits retroactively. But the damage has already been done. These programs are not designed to help people who can get by without unemployment insurance for a few days here and there.

These programs are targeted at those who can barely survive paycheck to paycheck. They are for people who need help keeping food on the table, until they have the opportunity to get back on their feet. They are for people who do not have the luxury of waiting just a few more days to pay the bills, as my colleague seems to think.

The Senator from Kentucky has brought our economic recovery to a grinding halt. He is playing politics with hard-working Americans, and he is wasting the time of this distinguished body.

What has happened to the Senate of our forefathers?

What has happened to the atmosphere of friendship that drove past Senators to work together to solve big problems?

My colleagues and I have offered a solution that is acceptable to almost every Member of this Chamber. There are 99 Senators who either support this measure or would like to see an up-or-down vote. But my friend from Kentucky does not mind taking advantage of the rules of this Chamber to make a political point, even if it means adding to the misery of hundreds of thousands across this country, including his home State.

Perhaps we should not be surprised. After all, we have seen this kind of obstruction time and time again from our Republican colleagues, even on issues that are critical to the well-being of more than 30 million Americans.

So maybe it should come as no surprise that a Republican Senator would once again choose to manipulate Senate procedure for partisan gain. In many ways, I suppose that is all we can expect from a party that has refused to offer solutions of their own.

I believe the American people deserve much better than that. I believe regular folks expect us to help make their lives better, not worse. And I believe they are tired of obstructionism. They are tired of hearing that their representatives in Washington can not get things done.

I would urge all of my colleagues to reach for the generous spirit of our forefathers, which defined this Chamber as a friendly and inclusive place for so many decades.

I would urge my colleagues to debate the issues honestly and without resorting to distractions and obstructionism. No legislation will ever be perfect. But I believe it is irresponsible to hold up an important and fundamentally good bill for political reasons.

I ask my friend from Kentucky to drop his objection, as others in this Chamber have asked him many times over the last few days.

Let us move forward together. Let us be constructive. Let us recapture the friendly atmosphere that helped our predecessors rise above partisan politics and achieve great things.

This is not how the Senate was intended to function. So let's prove to the world that this is still the greatest deliberative body on the planet. Let's reject these tactics and move forward together. And let's, without delay, stop the obstruction on this important legislation.

Madam President, I would like to speak on another issue as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Thank you, Madam President.

HONORING THE ILLINOIS ATHLETES OF THE 2010 WINTER OLYMPIC GAMES

Mr. BURRIS. Madam President, we live in a world divided. International tension, mistrust, and even war too often separate nation from nation. But every 2 years, thousands of athletes from countries all over the world come together to celebrate the human spirit.

They meet in competition, arriving on the world stage from all five inhabited continents. Each of these five continents is represented by a simple, colored circle—a ring intertwined with four others to form the familiar symbol worn by every Olympic athlete.

The Olympic Games are a powerful force for world unity. And this year, for the 21st Winter Olympics, the eyes of the world turned to Vancouver, Canada—just across the border we share with our good friends to the north.

As always, the competition was fierce in every sport. The greatest athletes in the world tested their skills on some of the most challenging courses in history. Records were set and broken.

The world witnessed many triumphs—such as the success of a young Canadian figure skater, only days after the sudden loss of her mother.

We also came together in the face of great tragedy, mourning the shocking death of a young athlete from the Republic of Georgia.

Such Olympic moments, both triumphant and tragic, are blind to region or nationality. They remind us of the qualities and the limitations we share in every field of human endeavor. And at every moment, from the opening ceremonies until the Olympic flame was extinguished, these Winter Games served as a testament to all that we have in common. In a divided world, they served as an affirmation of the human spirit, and the value of friendship through sport.

I am proud to note that the United States Olympic team ended these games with a total of 37 medals—more than any other country, and a new record for the most medals won at a single Winter Games.

I would especially like to recognize and congratulate the Olympic athletes who hail from my home State of Illinois. These young men and women had the great honor of representing this country on the world stage, and they did us proud. In fact, 8 of the 37 total U.S. medals were won by Illinoisans.

From Champaign to Chicago—from Wheaton, to Glenview, to Plainfield, to Glencoe, to Naperville—these 10 athletes took to the ski slopes, and the ice rinks, and the bobsled tracks, and they gave it their all. Some came home with Olympic gold. Some fell short of the finals. But they are all Olympians, and they all represented our country—and our State—with honor, integrity, and sportsmanship.

So I take great pride in thanking the following Illinoisans for their dedication and hard work at this year's Olympic games: Lana Gehring, Katherine Reutter, Brian Hansen, Nancy Swider-Peltz, Jr., Shani Davis, Jonathon Kuck, Lisa Chesson, Evan Lysacek, James Moriarty, and Ben Agosto.

I ask my colleagues to join me in congratulating these 10 Illinoisans, along with their teammates, and every coach, parent, and supporter who contributed to the success of Team USA. I thank them for all they accomplished in Vancouver, and wish them nothing but continued success in the future.

There are few international spectacles as singular and as inspiring as the Olympic games. A force for unity in a world divided, these competitions have the power to bring us together as one people, celebrating the human spirit with one voice.

Thanks to the world-class athletes who took part, from the United States and more than 80 countries in every corner of the globe, this year's Winter games in Vancouver were no exception.

I hope that as the world's athletes return to their respective countries, and as we turn our attention back to the challenges we face in our daily lives, this Olympic spirit of unity will persist until we meet again on the world stage, in London, for the 2012 Summer games.

Congratulations to the Illinoisans and all of those who participated from the great United States of America in these games.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT BENEFITS

Mrs. SHAHEEN. Madam President, last week Senate leadership reached agreement on a short-term extension of Federal unemployment benefits and other critical programs that were set to expire. But when we tried to pass the bill, sadly, one single Senator objected. Because of that one Senator and his filibuster, Federal unemployment benefits and health care subsidies for people who have lost their jobs have now expired. This Senator also singlehandedly halted highway projects across the country and put workers' futures in jeopardy. The obstruction of this bill has brought to a standstill small business lending programs that have been successful at boosting the number of SBA-guaranteed loans since the Recovery Act was passed. Because of the Senator's actions, physicians will see their immediate care reimbursements slashed by over 21 percent, threatening the health care of too many seniors in New Hampshire and across this country.

There may be some people who don't realize the damage caused by these lapses, so I am here, as so many people have been here on the floor over the last several days, to talk about what is happening to too many people because of this filibuster.

First, this is about the struggles faced by individual workers and their families. Right now, with a record number of unemployed workers competing for each job, it has become harder than ever for people who lose a job to get back to work. Of the 16 million Americans who are out of work today, nearly 6 million—more than 1 in 3—have run through the benefits provided by their States. These 6 million people are the ones served by Federal unemployment, which is a critical safety net that helps families buy gas and groceries and helps them heat their homes and pay their mortgages and their rents while they look for the next job. Because of the actions of just one Member of this body—actions that I believe are irresponsible—more than 1.2 million people will get their last check during the month of March.

My office has heard from hundreds of constituents in the last week who are on the verge of losing their benefits, and their stories are heartbreaking. I wish to tell my colleagues about just one.

A woman named Linda wrote me. She said:

> I've been unemployed for the first time in my life since August. I will be 60 on March 14, and I have not been able to find another full-time job. I own an older mobile home in Epping and don't have a retirement plan, a nest egg, or anything of that nature. The prospect of my unemployment benefits going away very soon (I may only have two to three weeks left) because of one Senator digging in his heels makes me feel sick. Please, please do everything you can to get an extension for unemployment benefits passed. God has a plan for us all; I just pray that I don't lose everything, as many others have, and that one Senator isn't playing the partisan card just because he can. I'm not sure that America is the land of opportunity that it used to be.

That is the end of her quote.

While some may think it is no big deal to make people such as Linda wait a week or 2 weeks to get another unemployment check, even short-term expirations have damaging results. When State workforce agencies are forced to shut down and restart complicated Federal benefits programs, they experience huge backlogs in their systems that delay getting checks out the door. Phone lines at call centers are jammed with claimants, holding up others from filing for benefits, and lines at one-stop centers get longer and longer. In the best of circumstances, individuals who see their benefits lapse while this filibuster continues will have to wait weeks before they begin receiving checks again. That is a long time when you are living on unemployment.

Then there is the uncertainty and the fear that comes when someone opens the mail to find a notice that this check is the last one they will receive. Families can't make responsible budget choices when we abruptly interrupt safety net programs.

So this filibuster isn't just holding up benefits to those who are already out of work; it is causing more Americans to lose their jobs. By cutting off highway funding, one Senator has put thousands more Americans at risk of losing their jobs. For the first time in 20 years, construction projects across the country have halted. Without an extension of highway programs, construction companies in New Hampshire can't plan ahead. Workers in New Hampshire don't know whether there will be a job for them when construction season starts back up in the spring. Due to the actions of just one Senator, the future of these workers is uncertain.

This filibuster is especially egregious because it abuses the Senate rules, but, unfortunately, abusing the rules in order to prevent us from addressing the needs of families and small businesses has sadly become too routine. That is why I believe we need to take a very hard look at changing the Senate rules. It is time to stop playing political games with the lives of the American people. I hope that at least on this bill, every Member of the Senate can come together to support the millions of people who are counting on our leadership.

Thank you very much. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The Senator from South Carolina.

Mr. DEMINT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVERNMENT SPENDING

Mr. DEMINT. Madam President, I know the Senate has been dealing with a difficult issue, and I wish to make some comments relative to the Senator from Kentucky, Mr. BUNNING, who I think has taken a lot of unfair criticism for asking our Democratic colleagues to abide by their own rules.

Much has been made in the Senate and in the Congress and at the White House over the last year about the unsustainable level of spending and borrowing and debt we have as a nation. Yet it seems that almost every week we create some new government program or expand spending in some area. I think it is time we expose the hypocrisy that is going on because we know the level of debt we have is going to eventually, sooner or later, bring our country down. Yet we don't seem to have the willpower to stop any spending.

Last week, we created a new government program, a new travel promotion agency. Now we are going to extend unemployment and COBRA benefits, which are good things. Certainly, in a down economy, we need to consider those around the country who are suffering and make sure we do everything we can that is fair to take care of them, but when we borrow the money to do it, we threaten the futures of our children and grandchildren, diminish their quality of life, and likely cause their unemployment in the future. We can hardly pat ourselves on the back for our compassion and generosity when we are not making any sacrifices or even any hard decisions in the Senate to pay for those things we say are a priority.

Instead of paying for this extension of unemployment benefits and COBRA, the Democrats want to pass it without any debate, without any vote. They don't want to pay for it. We are not even considering ways we can pay for this extension. Instead, we classify it as emergency spending at the last minute and try to force Congress into spending money we don't have. We brought it up at the very last minute at the end of last week and said, if we don't pass it now by unanimous consent, people will go without their unemployment and their COBRA.

This is not emergency spending. It was entirely predictable that these funds would run out, when existing funds would run out. Instead of acting prudently to extend these benefits in ways we could pay for them, the way my Democratic colleagues have promised we would with this pay-go rule, they are declaring an emergency at the last minute to ram it through without any debate and without a vote.

Moreover, they want to do this anonymously, through the process we call unanimous consent. That means they don't want a rollcall vote. Why don't they want a rollcall vote? Because it shows who means what they say. It shows who believes in this idea of pay as we go that we call pay-go, and it will certainly damage prospects for November elections.

Senator BUNNING from Kentucky has taken a courageous stand to hold the Democrats—in fact, all of us—accountable to the things we say we believe. I believe, as does Senator BUNNING, that if we are going to renew these benefits, we should pay for them. We should look at areas of our government that we don't have to do and reduce them or eliminate them so we can pay for the things we feel we have to do. I think the names of the Senators who want to borrow the money to do this, who want to add to our debt to do this, should be recorded for the public to see.

This bill will cost $10 billion. We could find the money to pay for this bill. We could repeal a very small part of the stimulus plan. We could repeal the TARP or the bailout money. We could cut some earmarks—some local parochial projects—or we could cut other government programs that have been deemed unnecessary or wasteful.

The Congressional Budget Office says the government would save $12 billion if we allowed health insurance companies to compete in an interstate commerce fashion. We have talked about it a lot as part of the health care debate. If all we did—no taxpayer funds at all—is allowed interstate competition for health insurance, the government could save $12 billion and more than pay for this bill we are talking about today. We could help people get insured, lower the cost of health insurance, help small businesses create jobs, and pay for the bill that extends unemployment benefits. But we are not even willing to talk about a responsible way to pay for a bill. Senator BUNNING says: Wait a minute. We have been talking about paying for these bills as we go, and the first two bills we brought up since we passed pay-go have not been paid for. He said we should at least bring it to the floor and have some debate and a vote. I think that is pretty reasonable.

Senator BUNNING was right to address this problem, and I commend him for it. I hope our colleagues will stop the hypocrisy, stop trying to create a crisis of our debt while we make that crisis worse every day, adding to the debt almost every week.

Now we have Members of this body looking at new ways to raise taxes or create new taxes on Americans. This is not the way to help our country, and it is not the way to lead. It is certainly hypocrisy. I thank Senator BUNNING for his stand. I ask all my colleagues to join us in looking at what this Federal Government has to do and to do those things well, to fund them properly, but to take those things that don't have to be done at the Federal level and move them to the States or back to the people, as the tenth amendment says. We clearly cannot move forward as a Nation with the Federal Government doing more than it is doing today.

If we are going to survive and thrive as a Nation, the Federal Government will have to do less. That needs to begin here. It needs to start today. We can't keep expanding government, borrowing money every week, and complaining about the debt. Only in politics would that happen. We have to stop it here, this week. Again, I thank Senator BUNNING for his courage and clarity.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I just heard the Senator say, in defense of Senator BUNNING, that our side will not allow Senator BUNNING to have a vote. I want to clear up the record. That is not the case at all. As far as I am concerned, Senator BUNNING can have his vote. He can have his vote on his pay-for. The point is, does Senator BUNNING want an assurance that he has enough votes from the Democratic side so that his vote passes? Well, of course not. We vote here; that is what the Senate is for. Those in favor vote aye; those not in favor vote no. That is the democratic process. That is the process most Americans understand.

So if he wants his vote, he can ask for it and he can have that vote. I will not prejudge whether he will win or lose. As far as this Senator is concerned, he can have that vote. My expectation would be after that vote is concluded one way or another we can vote on the underlying 30-day amendment so we can finally get people their unemployment checks that are due, their COBRA benefits, and their health premium subsidies that are due. Finally, we can enable doctors to be paid so they can see Medicare patients.

This is a very simple solution. We can just vote. If Senator BUNNING wants to vote, I say: Fine, let's vote.

If he complains: Oh, no, I want to make sure I win, I don't think that is entirely proper. I think it is proper to have the votes, and Senators can vote their wishes and their views. We can have that vote. When that is concluded, we can go on to the 30-day resolution so that people can get the benefits they are due. That is the only responsible and reasonable way to deal with this. I hope we do that. We are waiting for the Senator from Kentucky to indicate whether he would like to vote. It is pretty simple.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Madam President, I came here in the hope that, as we begin work on this very important bill that is going to help reinvigorate our economy, we are making progress on getting Senator BUNNING to step down from his objection to a short-term extension of the number of programs that

are essential to the well-being of our Nation.

Senator BUNNING says he is objecting to an extension of unemployment benefits and health subsidies for the jobless and, by the way, highway and transit programs and other programs because he wants to offset that extension with cuts in funding from the Economic Recovery Act.

I want to make the point that at a time when jobless rates are soaring, certain of these actions that we take are emergency actions. They are actions we take because the long-term unemployed are in big trouble. If we pay for this by slashing economic recovery funds that are already obligated or are about to go out, and they are about to start hiring people, then it seems to me we are taking one step forward and two steps back. I am willing to vote on this matter, and I hope Senator BUNNING will lift his objection if we get to vote. It is not a problem. Let's vote on it.

I have written to Senator BUNNING on a couple of occasions on behalf of the 201,000 Californians who have already seen their unemployment insurance benefits expire if we don't renew this. This is a very dangerous precedent to set. I noted to him that not only is he hurting people who are doing everything in their power to get work, but he is also shutting down transportation projects in California and in 16 other States because he will not agree to reauthorize the highway trust fund for just 30 days. This is an impossible situation.

I ask unanimous consent to have printed in the RECORD a list of the States already impacted by Senator BUNNING's objection to a 30-day extension for the highway trust fund.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL LANDS CONSTRUCTION HALTED BY FURLOUGH OF DOT INSPECTORS DUE TO BUNNING OBJECTION

State	Project	Cost
Alaska	Tongass National Forest road clean up.	$1,100,000
Alaska	Coffman Cove Dock construction.	885,000
Arizona	Coronado National Monument Main Park entrance.	1,500,000
Arkansas	East Fly Gap and Gunner Pool Roads landslides restoration.	923,000
California	Sequoia National Park main entrance.	15,000,000
Californa	South Fork Smith River	13,800,000
California	Golden Gate National Recreation Area road construction.	8,700,000
District of Columbia	9th Street Bridge replacement	50,000,000
Georgia	Chicakamauga & Chattanooga National Military Park construction.	634,000
Idaho	Salmon River Road Nez Perce National Forest construction.	20,133,000
Idaho	Little Salmon River Bridge Nez Perce National Forest intersection.	3,800,000
Idaho	Ferran Lakes Idaho Panhandle National Forest.	14,600,000
Illinois	McRaven Road reconstruction	1,100,000
Maryland	Great Falls Park entrance road construction.	3,100,000
Maryland	Piscataway National Park erosion and slope damage repair.	89,000
Mississippi	Natchez Trace Parkway resurfacing.	8,100,000
Mississippi	Natchez Trace Parkway trail construction (Ridgeland County).	5,600,000

FEDERAL LANDS CONSTRUCTION HALTED BY FURLOUGH OF DOT INSPECTORS DUE TO BUNNING OBJECTION—Continued

State	Project	Cost
Mississippi	Vicksburg National Military Park road rehabilitation and resurfacing.	5,000,000
Mississippi	Natchez Trace Parkway trail construction (Madison County).	4,700,000
New Mexico	Carlsbad Caverns National Monument roadway rehabilitation.	9,000,000
North Carolina	Newfound Gap road rehabilitation.	9,900,000
North Carolina	Blue Ridge Parkway reconstruction and resurfacing.	6,000,000
North Carolina	Goshen Creek Bridge replacement.	3,000,000
Ohio	Fitzwater Road bridges replacement.	4,400,000
Oregon	Beaver Creek Road Ochoco National Forest.	6,200,000
South Carolina	Ft. Sumter Historic Site entrance road and parking area rehabilitation.	262,000
Tennessee	Cades Cove Loop Road rehabilitation.	6,700,000
Tennessee	Shiloh National Park tour roads and parking area rehabilitation.	3,000,000
Tennessee	Catossa Wildlife Management Area bridge replacement.	1,000,000
Utah	Bear River Access Road	13,800,000
Virginia/DC	George Washington Parkway Humpback Bridge replacement.	36,000,000
Virginia	Blue Ridge Parkway reconstruction and resurfacing.	12,000,000
Virginia	Petersburg Park tour road relocation.	1,500,000
Puerto Rico	Vieques National Wildlife Refuge road and bridge reconstruction.	6,000,000
Puerto Rico	El Yonque National Forest slide repair.	3,000,000
U.S. Virgin Islands	Christiansted Bypass construction.	14,000,000
U.S. Virgin Islands	Centerline Road reconstruction	9,000,000
U.S. Virgin Islands	St. John roundabout construction.	7,200,000
U.S. Virgin Islands	Long Bay Road reconstruction	5,500,000
U.S. Virgin Islands	University of Virgin Island sidewalk construction.	988,000
U.S. Virgin Islands	North Shore Road reconstruction.	448,000

Source: U.S. Department of Transportation, http://www.dot.gov/affairs/2010/dot3610.htm.

Mrs. BOXER. Madam President, in California, we are already seeing layoffs because the department of transportation had to lay off and furlough—they furloughed, temporarily I trust—2,000 Federal inspectors who are overseeing in 17 of our States a number of important projects; for example, in Alaska, the Tongass National Forest road cleanup. Another project in Arizona is the Coronado National Monument main park entrance. In Arkansas, there is a shutdown. In California, there is the Sequoia National Park main entrance, the Southfork Smith River, and Golden Gate National Recreation Area road construction. In DC, there is the 9th Street Bridge replacement.

One Senator is stopping these important construction projects. They are crucial safety projects that have been stopped in their tracks because one Senator has decided that it is his way or the highway.

We have to stop bringing this Senate to paralysis. We all have our opinions. I have mine and I know the Senator from Montana has his and the Senator from New York has his and the Senator from Michigan has hers; and we think we are right and we make our case. Once we have argued our cases, the will of the Senate has to go forward.

Senator BUNNING doesn't seem to think it is an emergency that the highway trust fund has run out of funds. He doesn't think it is an emergency that there are long-term jobless Americans. He doesn't agree. He doesn't agree that it is an emergency, I gather, that people cannot pay for their health care extension.

By the way, he also stopped—this is very important, and I know the Senator from Montana knows this well—the 21 percent to our doctors who take Medicare. I met with my doctors from California today. They cannot believe this is happening. In Ventura County our doctors are saying that because of this 21-percent cut they are facing in their reimbursements, they are only going to see emergencies. They are not going to see someone who has a nonemergency. This is gamesmanship.

I call on Senator BUNNING to remove his objection to the extension of the highway trust fund and the transportation programs and the unemployment benefits and the cuts in Medicare reimbursement to our doctors. Each week that Senator BUNNING maintains his hold, each week that he insists he will stop this, 6,000 California families will lose their unemployment benefits. Let's end this today. Each week that Senator BUNNING maintains his hold, many California small businesses will not be able to get access to needed loans from the SBA and the flood insurance program was held up. Californians and Americans from every State will lose their health insurance coverage.

I can only marvel at this turn of events—and not marvel in a good way. It takes obstruction to the next level. It is a bridge too far. I think there are Members on the Democratic side who are willing to stand on their feet for as long as it takes to try to get this done today. We hope Senator BUNNING will back down. If he continues and keeps this up, if the highway program is shut down for just 1 month, tens of thousands of jobs are at stake.

I want to say what those jobs would be. In Arizona, it would be 1,400 jobs; in California, it would be 6,000; in Florida, 3,000; in Illinois, 2,000; in Kentucky—the home State of Senator BUNNING, who is stopping the highway trust fund from being funded—it would be 1,198 jobs, if he keeps this behavior up for 1 month.

Senator BUNNING says he has every right to do this. Sure he does. He is a Senator and he can do it. But it is wrong. If each of us decided to throw a fit every time we didn't like something around here, who gets hurt? Not Senator BUNNING. He has a job and he has health care. He is not worried. He is not a physician who is getting held up either. He is fine and I am fine. It is the people of Kentucky, his State, and it is the people of California, my State, who get hurt.

If this keeps up for 1 month, there will be 6,000 job losses in Texas and 1,300 in Wisconsin. If this keeps up and we do not get our work done and we do not reauthorize the highway trust

fund, as we did in the HIRE Act, we will lose 1 million jobs in America. That gets to be inexplicable in terms of ''a world of hurt.''

I ask unanimous consent to have printed in the RECORD a chart prepared by AASHTO listing the impact of reductions in funding in all 50 States.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Illustrative Impact of Federal Highway Funding Reduction

25-Feb-10

*Jobs impact based on $1 billion of Federal spending supporting 34,700 jobs

State	2009 Apportionments Pre-Rescission	Rescission in 2009 Omnibus Appropriations	SAFETEA-LU Section 10212 Rescission	Total 2009 Rescissions	2009 Final Apportionments Post-Rescission	Pre- and Post-Rescission Percent Change	2010 Reduced Apportionment Amount (Annualized)	Estimated Jobs Impact*	Program Shutdown (Forgone Apportionment Per Month)	Estimated Jobs Impact*	Program Shutdown *Foregone Apportionments, March-September*	Estimated Jobs Impact*	Program Shutdown *Foregone Apportionments, March-December*	Estimated Jobs Impact*
Alabama	$720,167,779	$52,584,977	$176,090,994	$228,675,971	$491,491,808	-31.8%	$491,491,808	7,935	$40,957,651	1,421	$286,703,555	9,949	$409,576,507	14,212
Alaska	$334,714,920	$33,964,710	$80,939,451	$114,904,161	$219,810,759	-34.3%	$219,810,759	3,987	$18,317,563	636	$128,222,943	4,449	$183,175,633	6,356
Arizona	$734,702,687	$64,592,477	$170,845,487	$235,437,964	$499,264,723	-32.0%	$499,264,723	8,170	$41,605,394	1,444	$291,237,755	10,106	$416,053,936	14,437
Arkansas	$456,112,213	$39,535,907	$109,397,303	$148,933,210	$307,179,003	-32.7%	$307,179,003	5,168	$25,598,250	888	$179,187,752	6,218	$255,982,503	8,883
California	$3,310,972,003	$293,253,191	$795,619,594	$1,088,872,785	$2,222,099,218	-32.9%	$2,222,099,218	37,784	$185,174,935	6,426	$1,296,224,544	44,979	$1,851,749,348	64,256
Colorado	$488,420,872	$43,583,148	$114,985,999	$158,569,147	$329,851,725	-32.5%	$329,851,725	5,502	$27,487,644	954	$192,413,506	6,677	$274,876,438	9,538
Connecticut	$466,061,951	$44,603,309	$119,705,144	$164,308,453	$301,753,498	-35.3%	$301,753,498	5,702	$25,146,125	873	$176,022,874	6,108	$251,461,248	8,725
Delaware	$143,687,127	$12,296,263	$34,706,504	$47,002,767	$96,684,360	-32.7%	$96,684,360	1,631	$8,057,030	280	$56,399,210	1,957	$80,570,300	2,796
Dist. Of Col.	$136,069,626	$12,181,744	$34,680,251	$46,861,995	$89,207,631	-34.4%	$89,207,631	1,626	$7,433,969	258	$52,037,785	1,806	$74,339,693	2,580
Florida	$1,853,266,783	$161,117,494	$444,003,590	$605,121,084	$1,248,145,699	-32.7%	$1,248,145,699	20,998	$104,012,142	3,609	$728,084,991	25,265	$1,040,121,416	36,092
Georgia	$1,251,860,739	$109,107,524	$316,985,581	$426,093,105	$825,767,634	-34.0%	$825,767,634	14,785	$68,813,970	2,388	$481,697,787	16,715	$688,139,695	23,878
Hawaii	$146,371,519	$15,345,464	$38,647,517	$53,992,981	$92,378,538	-36.9%	$92,378,538	1,874	$7,698,212	267	$53,887,481	1,870	$76,982,115	2,671
Idaho	$267,386,444	$24,384,215	$65,490,357	$89,874,572	$177,511,872	-33.6%	$177,511,872	3,119	$14,792,656	513	$103,548,592	3,593	$147,926,560	5,133
Illinois	$1,219,875,275	$109,421,749	$290,642,478	$400,064,227	$819,811,048	-32.8%	$819,811,048	13,882	$68,317,587	2,371	$478,223,111	16,594	$683,175,873	23,706
Indiana	$933,607,823	$84,117,973	$218,595,722	$302,713,695	$630,894,128	-32.4%	$630,894,128	10,504	$52,574,511	1,824	$368,021,575	12,770	$525,745,107	18,243
Iowa	$415,284,967	$36,532,869	$97,803,350	$134,336,219	$280,948,748	-32.3%	$280,948,748	4,661	$23,412,396	812	$163,886,770	5,687	$234,123,957	8,124
Kansas	$352,297,846	$29,565,954	$92,067,610	$121,633,564	$230,664,282	-34.5%	$230,664,282	4,221	$19,222,024	667	$134,554,165	4,669	$192,220,235	6,670
Kentucky	$617,843,673	$52,476,786	$151,094,681	$203,571,467	$414,272,206	-32.9%	$414,272,206	7,064	$34,522,684	1,198	$241,658,787	8,386	$345,226,838	11,979
Louisiana	$622,363,573	$55,768,892	$135,293,239	$191,062,131	$431,301,442	-30.7%	$431,301,442	6,630	$35,941,787	1,247	$251,592,508	8,730	$359,417,858	12,472
Maine	$152,035,403	$12,576,262	$40,356,371	$52,932,633	$99,102,770	-34.8%	$99,102,770	1,837	$8,258,564	287	$57,809,949	2,006	$82,585,642	2,866
Maryland	$560,270,302	$50,679,943	$140,809,482	$191,489,425	$368,780,877	-34.2%	$368,780,877	6,645	$30,731,740	1,066	$215,122,178	7,465	$307,317,398	10,664
Massachusetts	$572,403,291	$54,647,719	$147,528,597	$202,176,316	$370,226,975	-35.3%	$370,226,975	7,016	$30,852,248	1,071	$215,965,735	7,494	$308,522,479	10,706
Michigan	$1,005,579,924	$85,406,835	$263,354,345	$348,761,180	$656,818,744	-34.7%	$656,818,744	12,102	$54,734,895	1,899	$383,144,267	13,295	$547,348,953	18,993
Minnesota	$581,459,128	$47,733,647	$133,119,494	$180,853,141	$400,605,987	-31.1%	$400,605,987	6,276	$33,383,832	1,158	$233,686,826	8,109	$333,838,323	11,584
Mississippi	$430,486,681	$36,108,932	$102,966,636	$139,075,568	$291,411,113	-32.3%	$291,411,113	4,826	$24,284,259	843	$169,989,816	5,899	$242,842,594	8,427
Missouri	$846,329,512	$74,160,262	$202,262,565	$276,422,827	$569,906,685	-32.7%	$569,906,685	9,592	$47,492,224	1,648	$332,445,566	11,536	$474,922,238	16,480
Montana	$345,429,222	$31,910,049	$83,984,190	$115,894,239	$229,534,983	-33.6%	$229,534,983	4,022	$19,127,915	664	$133,895,407	4,646	$191,279,153	6,637
Nebraska	$263,961,548	$22,978,046	$64,812,320	$87,790,366	$176,171,182	-33.3%	$176,171,182	3,046	$14,680,932	509	$102,766,523	3,566	$146,809,318	5,094
Nevada	$278,790,512	$25,261,881	$38,993,297	$64,255,178	$214,535,334	-23.0%	$214,535,334	2,230	$17,877,945	620	$125,145,612	4,343	$178,779,445	6,204
New Hampshire	$158,183,641	$14,211,378	$41,209,722	$55,421,100	$102,762,541	-35.0%	$102,762,541	1,923	$8,563,545	297	$59,944,816	2,080	$85,635,451	2,972
New Jersey	$934,996,954	$88,242,502	$233,394,133	$321,636,635	$613,360,319	-34.4%	$613,360,319	11,161	$51,113,360	1,774	$357,793,519	12,415	$511,133,599	17,736
New Mexico	$345,328,513	$30,509,789	$82,534,516	$113,044,305	$232,284,208	-32.7%	$232,284,208	3,923	$19,357,017	672	$135,499,121	4,702	$193,570,173	6,717
New York	$1,566,754,887	$145,830,156	$408,000,474	$553,830,630	$1,012,924,257	-35.3%	$1,012,924,257	19,218	$84,410,355	2,929	$590,872,483	20,503	$844,103,548	29,290
North Carolina	$1,013,850,615	$88,067,164	$249,848,312	$337,915,476	$675,935,139	-33.3%	$675,935,139	11,726	$56,327,928	1,955	$394,295,498	13,682	$563,279,283	19,546
North Dakota	$223,812,211	$19,443,205	$54,526,923	$73,970,128	$149,842,083	-33.1%	$149,842,083	2,567	$12,486,840	433	$87,407,882	3,033	$124,868,403	4,333
Ohio	$1,271,966,664	$111,197,305	$308,052,912	$419,250,217	$852,716,447	-33.0%	$852,716,447	14,548	$71,059,704	2,466	$497,417,927	17,260	$710,597,039	24,658
Oklahoma	$547,146,429	$47,627,650	$136,170,585	$183,798,235	$363,348,194	-33.6%	$363,348,194	6,378	$30,279,016	1,051	$211,953,113	7,355	$302,790,162	10,507
Oregon	$410,254,119	$36,305,573	$98,715,618	$135,021,191	$275,232,928	-32.9%	$275,232,928	4,685	$22,936,077	796	$160,552,541	5,571	$229,360,773	7,959
Pennsylvania	$1,561,501,663	$138,715,427	$405,749,854	$544,465,281	$1,017,036,382	-34.9%	$1,017,036,382	18,893	$84,753,032	2,941	$593,271,223	20,587	$847,530,318	29,409
Rhode Island	$178,249,629	$16,610,343	$44,547,755	$61,158,098	$117,091,531	-34.3%	$117,091,531	2,122	$9,757,628	339	$68,303,393	2,370	$97,576,276	3,386
South Carolina	$598,929,553	$50,911,437	$145,726,201	$196,637,638	$402,291,915	-32.8%	$402,291,915	6,823	$33,524,326	1,163	$234,670,284	8,143	$335,243,263	11,633
South Dakota	$241,550,301	$21,082,534	$57,912,770	$78,995,304	$162,554,997	-32.7%	$162,554,997	2,741	$13,546,250	470	$94,823,748	3,290	$135,462,498	4,701
Tennessee	$783,559,768	$65,679,045	$190,619,674	$256,298,719	$527,261,049	-32.7%	$527,261,049	8,894	$43,938,421	1,525	$307,568,945	10,673	$439,384,208	15,247
Texas	$3,137,306,196	$272,403,085	$742,240,415	$1,014,643,500	$2,122,662,696	-32.3%	$2,122,662,696	35,208	$176,888,558	6,138	$1,238,219,906	42,966	$1,768,885,580	61,380
Utah	$281,631,755	$25,531,368	$65,064,693	$90,596,061	$191,035,694	-32.2%	$191,035,694	3,144	$15,919,641	552	$111,437,488	3,867	$159,196,412	5,524
Vermont	$146,537,637	$12,128,206	$36,599,510	$48,727,716	$97,809,921	-33.3%	$97,809,921	1,691	$8,150,827	283	$57,055,787	1,980	$81,508,268	2,828
Virginia	$953,848,252	$80,340,594	$230,472,390	$310,812,984	$643,035,268	-32.6%	$643,035,268	10,785	$53,586,272	1,859	$375,103,906	13,016	$535,862,723	18,594
Washington	$599,085,428	$53,772,670	$148,061,997	$201,834,667	$397,250,761	-33.7%	$397,250,761	7,004	$33,104,230	1,149	$231,729,611	8,041	$331,042,301	11,487
West Virginia	$388,585,722	$31,926,094	$93,821,783	$125,747,877	$262,837,845	-32.4%	$262,837,845	4,363	$21,903,154	760	$153,322,076	5,320	$219,031,538	7,600
Wisconsin	$703,347,039	$61,015,614	$171,925,320	$232,940,934	$470,406,105	-33.1%	$470,406,105	8,083	$39,200,509	1,360	$274,403,561	9,522	$392,005,088	13,603
Wyoming	$245,264,943	$22,550,639	$57,022,296	$79,572,935	$165,692,008	-32.4%	$165,692,008	2,761	$13,807,667	479	$96,653,671	3,354	$138,076,673	4,791
TOTAL	**$35,799,505,262**	**$3,150,000,000**	**$8,708,000,000**	**$11,858,000,000**	**$23,941,505,262**	**-33.1%**	**$23,941,505,262**	**411,473**	**$1,995,125,439**	**69,231**	**$13,965,878,068**	**484,616**	**$19,951,254,383**	**692,309**

Source: AASHTO

Mrs. BOXER. Madam President, as I stand here today, it would be pretty easy to solve this problem. Senator BUNNING needs to stand down. He just needs to stand down. He made his point. He argues that we should pay for emergency funding. I voted for pay-go, but we do have a clause that says if it is a real emergency, we do not have to pay for it.

The reason that is important is if we do what Senator BUNNING wants and we extend this jobless help and we extend the highway trust fund and, on the other hand, we cut the economic recovery moneys which are all obligated and on which work is about to start, we are not doing anything for the country.

Let's do this right. Many of us who are standing here saw terrible deficit and debt problems during the Clinton years. You know what we did? We fixed it. We had room for emergencies. But we fixed it by going to pay-go. When there were emergencies, we stepped back.

I think it is fair to note that Senator BUNNING is very agitated about the fact that we would extend jobless benefits without cutting spending in job creation. Yet when it was time for him to vote for tax breaks for the wealthiest people who earn over $1 million, he could care less that it was put on Uncle Sam's credit card. When it was time to pay for the war in Iraq, oh, put it on the credit card of the country. But all of a sudden, it is help to our families who need it so desperately and we are going to have to cut other programs that are providing jobs. It does not make sense. It is not fair, and it is not consistent.

I renew my request that I have made twice now to Senator BUNNING. I ask unanimous consent to have printed in the RECORD my letters to him.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, February 26, 2010.

Hon. JIM BUNNING,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BUNNING: On behalf of the 201,000 Californians who will see their unemployment insurance benefits expire in the month of March unless we act to renew them, I ask that you stand down immediately.

As you know, if you do not relent, these benefits will expire on Sunday. Unemployment insurance is a lifeline to the long-term unemployed whose families have been hit very hard by this recession.

Thank you for your immediate attention.

Sincerely,

BARBARA BOXER.

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, March 1, 2010.

Sen. JIM BUNNING,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BUNNING: I want to make sure you are aware that as a result of your objections to a short-term extension of unemployment insurance, COBRA, and other help for people who have lost their jobs, not only are 1 million people—including 201,000 Californians—losing their unemployment benefits but the Department of Transportation has now furloughed without pay nearly 2,000 workers.

This is completely unacceptable. It is hurting people in your state, in my state and all across the country.

As a consequence of the furloughs, federal inspectors will be removed from critical construction projects across the nation, and work is already shutting down. I am attaching the Department of Transportation's list of some of the affected projects. which includes critical construction work in 17 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands.

We can't have an economic recovery if people can't make ends meet and if transportation projects grind to a halt. I am writing to you as Chairman of the Environment and Public Works Committee to ask you to stop this gamesmanship and remove your objection to the extension of the transportation authorization and unemployment benefits.

Sincerely,

BARBARA BOXER.

Mrs. BOXER. Madam President, I wrote to him on February 26 ''On behalf of the 201,000 Californians who will see their unemployment insurance benefits expire'' and telling him that the benefits will expire on Sunday, which was 2 days ago; that unemployment insurance is a lifeline to the long-term unemployed whose families have been hit hard by this recession. I thanked him for his immediate attention, and I hope he did, in fact, read this letter. And I hope he read my letter of March 1.

I wrote to him as chairman of the Environment and Public Works Committee. I wanted to make sure he knew that he also objected to reauthorizing the highway trust fund expenditures, and that means the Department of Transportation is starting to lay off people. They laid off inspectors, furloughed them. They will go back to work when we fix this mess. But what a mess.

Do you know what it is to shut down construction jobs midway? By the way, these are private sector employers, private sector workers who are doing this work. It is unacceptable. I told him, ''It is hurting people in your State, in my State and all across the country.'' These Federal inspectors will be removed from critical projects across the Nation. Work is shutting down. I attached the Department of Transportation's list of the affected projects. I said:

> We can't have an economic recovery if people can't make ends meet and if transportation projects grind to a halt.

We all know the housing sector is so weak. That construction is not going well. We need to construct the infrastructure of this Nation. These are not make-work projects. These are projects fixing bridges and highways and making sure our roads are safe. I asked him to stop his gamesmanship and remove his objection to the extension of the transportation authorization and the unemployment benefits.

As I said today, I add to that the extension of the funding for our physicians who are relying on us not to allow a 21-percent cut for Medicare to go into place. The fact that we do not have a lot of leadership down here says to me they are working on this now. It says to me they are reaching out to Senator BUNNING and my Republican colleagues to see if they will stand down.

I want to say I hope he does. These are real people. These are real people who are suffering. There is no need for them to suffer. We are not going to turn our backs on the long-term jobless. We are not going to turn our backs at all. This is just political maneuvering which is making life very difficult for people whose lives have been pretty much shattered if they are long term unemployed and looking for work and trying desperately to get it.

Hopefully, Senator BUNNING will back down, and my Republican friends will agree that we can move forward. If they want a vote on Senator BUNNING's plan to cut economic recovery funds that have already been obligated to put people to work to pay for an emergency, I am willing to take that vote any day of the week.

I hope to be back later and have some comments. I hope those comments are: Good, we got past this crisis. But at the moment, it is 4 o'clock in the afternoon, and we are not through it yet. I am hopeful that maybe later we will get through this and extend these vital programs to the people who need them.

I am going to close. I thank the people who have worked so hard with me on getting this highway reauthorization done. It is Republicans and Democrats. It is the Chamber of Commerce. It is AASHTO. It is the general contractors. It is the construction unions. This is an amazing team of people. It is the AAA. It is the car riders associations. It is everyone—Republicans, Democrats, Independents. They want an end to these games. I hope today we will see the end. If we do not, then we are going to have a long, long night ahead of us to make the point that it is wrong for one Senator to stop our people, our American people from getting the help they deserve, from getting the jobs they deserve to have in the highway fund and the help they need while they are looking for work.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

EXTENSION OF BENEFITS

Ms. STABENOW. Mr. President, before my friend from California leaves

the floor, I first thank the Senator from California for her leadership in bringing together a bipartisan effort to create jobs and for coming to the floor to speak about one of the important elements that is being held up right now by Senator BUNNING and other Republicans who have come to the floor in support of his efforts.

I thank Senator BOXER for her leadership and her ability to bring people together to get things done and to speak to the fact that this is about jobs and we have a sense of urgency about what needs to happen going forward.

I wish to speak to that sense of urgency and speak first about what is happening for real people. Then I want to talk a little bit about the process as well, how could we be here, because people are looking and saying: How can one person or a group of people or the minority continue to hold up our ability to solve problems? That is a very good point that we need to talk about.

First, I want to share some comments from a distraught woman from Grand Rapids who called my office a little bit ago in tears because her unemployment benefits had expired. This has been her only source of income for over a year now. She has about 2 months left in savings before she loses her home. First she loses her job, and now she is about to lose her home. My guess is she has been struggling with health care as well.

She kept repeating: I was a productive member of society, but now I have nothing. She spoke about doing various temporary jobs since losing her full-time job as an administrative assistant back in 2007, having 18 years of work experience and she still has not qualified for a new job. Her search continues. She was pleading for the Senate to pass an unemployment extension before she loses her home.

In Michigan and all across this country, this is not a game. This is real. People are in a position today where they do not know if they are going to be able to keep their home, if they are going to be able to put food on the table at the end of the week, next week or be able to pay their rent or be able to keep the heat on. With the small amount of money that comes in from unemployment—an average about $300 a week—that right now is the difference between whether people are on the street, in the cold with their families, or whether they have a roof over their head. That is the reality of what is happening for people in this country—not people who are lazy, not people who do not want to work but people who have found themselves caught in this huge economic tsunami that has hit our country.

We have over 15 million people currently receiving unemployment benefits who want to work, who are looking for work, who, on average, find there are six people looking for work for every job available. Just watch what happens when you announce there are 50 jobs or 100 jobs or maybe even 2 jobs available in a community. People line up around the block because they want to work. People are going back to school to gain different kinds of skills to fit in the new economy. They are doing everything they can, piecing it together with part-time work, two jobs, three jobs, trying to hold it together.

We also have people who are one paycheck away from being in the very same situation, who are holding their breath, who are holding back on the spending they would normally do that would generate economic activity in the economy because they do not know what is going to happen.

This is critical to families; people today who have done nothing but play by the rules, such as the woman who called my office, want to know when is their government going to be there for them.

Somehow, as has been said before, the Senator from Kentucky did not manage to make it to the floor when 1 percent of the public, the wealthiest in America, were getting huge tax cuts. He didn't manage to make it to the floor when we were talking about Wall Street and bailouts. But somehow he can come to the floor and hold up the ability for people who are unemployed to get some temporary help and put the entire weight of the Federal deficit on the backs of people who are out of work, who lost their breadwinner in their home. That is stunning to me, absolutely stunning to me. Whose side are we on here? What is this about if it is not to make sure that when disaster hits, we are willing to step up on behalf of American families and support them and do something about it?

Our colleague has said we should not add to the deficit; while other things have certainly added to the deficit, we should make sure this is paid for.

We are the party that balanced the budget in the nineties. We do not need a lecture from people about solving deficits. We are the ones who created the balanced budget and surpluses that then went right out the window in the last 8 years under the previous administration. We do not need lectures on how to deal with deficits. But we also know when there is a disaster, whether it is a flood, a hurricane, or another kind of disaster, and the reality is that people in this country have been hit by a disaster. So it is appropriate to treat this as a disaster with disaster funding. I don't know what a disaster is if the more than 15 million people we know about right now, not counting the other 10 million or 15 million people who aren't being counted, is not a disaster.

I wish to talk for a moment about the process because we find ourselves in a situation where we have seen an abuse of the democratic process over and over here in the Senate by our minority party colleagues.

We have been brought to a point where now one person, although supported by others on the Republican side, has come to the floor and is objecting and putting us in a situation where we are going to have to either shut down the work of the Senate for a week to vote to override or to do something else. This has put us in a situation where people are being hurt because of partisan games.

The leader has come to the floor and said: If you have a concern, you should offer an amendment. We should debate that amendment. You can have an up-or-down vote on that amendment. That is the democratic process. And then we will vote.

Up until this point, the Senator has said no because he doesn't know if he will win that vote. Well, we don't know at any given time when we offer an amendment whether we will win. When you run for an election, you don't know if you will win. This is a democratic process.

So I challenge our colleagues to stop blocking democracy, to stop blocking the democratic process and just vote. Just vote. Majority vote. That is what the Founders created, a process for the majority to govern, with spirited debate—spirited debate—and up-or-down votes. Don't block democracy. That is exactly what is happening right now. It is time to vote. It is time to get things done. It is time to show the American people that we get what is going on in their lives. Let's just vote.

What has happened in the last couple of years? We have seen a process that in 1919 and 1920 was used two times in 2 years—two times in 2 years. Even in the first Senate, it was used zero times. We have seen a process that in the last number of years has gotten to a point where in the last Congress the process of blocking and obstructing—the filibuster—was used 139 times by our Republican colleagues, and that was the most ever. Look at that. It doubled any other time in the history of the country. Well, they are going to double it again. As of today, we have a situation where we have seen the party of no filibuster 118 times, and we are barely through 1 year of a 2-year cycle. So we are on the road to see it doubled and create a time of amazing historic obstruction we have never seen before. This is an example today of what happens when that process, which is a legitimate process, is abused—people get hurt.

So I would call on colleagues to stop blocking democracy and to simply come and debate and vote. Let's decide and move on so that we can get things done for the American people.

The underlying bill in front of us is a bill that will extend unemployment benefits for 1 year, and that is the right thing to do. It will extend help for health care, for COBRA, for 1 year, and that is the right thing to do. It will extend help for States to pay for health care. It will extend it beyond the next 6 months of when we put help in place under the Recovery Act. It will make sure our doctors can continue to get paid a fair reimbursement to serve our

seniors under Medicare. And it will allow us to keep jobs going and to extend important investment tax credits.

In reality, we have a lot of work to do here in the Senate. We need to dispose of this immediate situation of helping people. We need to make sure we put in place the short-term help on unemployment and health care and other provisions that have been talked about and then move quickly to the broader jobs bill because we know, in the end, everyone who is holding their breath right now about what we are going to do on unemployment is not saying to us: Gee, I hope you extend unemployment for years and years. Gee, I really want to live on $300 a week. They want us to focus on jobs, affording them the integrity of work, the ability to bring home a paycheck, to be a breadwinner so they can care for their family, and all of the dignity that comes with that work.

So we need to get on about the business of focusing on jobs, but the first thing we need to do is to make sure we understand what is happening to people across our country. They are panicked about the obstruction that is going on here in the Senate. There are 135,000 people in Michigan who will lose their unemployment help by the end of March if we do not take action. That is an economic disaster if I have ever heard of one.

It is time to act. It is time to stop blocking the democratic process. It is time to vote and to get things done and let people know that we are on their side, that we understand what is going on in their lives, and that we are going to be here and work hard and get things done for them.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I stand before the Senate today to call for the passage of the Temporary Extension Act of 2010. This legislation would extend a number of very important benefits that families across the Nation rely on to get them through difficult economic times.

This bill includes an extension of unemployment benefits for millions of out-of-work families, including hundreds of thousands in the Midwest, an extension of COBRA benefits for those who lost their health care along with their jobs, and a number of important tax credits for businesses and individuals which are vital as we seek to generate economic activity.

I cannot tell you how many times I heard about this when I went around our State and spoke with small businesses. However, there is one program—I know our colleagues have focused on how important it is to get this program done, how important it is that one person should not be allowed to hold up something that is so worthy and expected and necessary for the American people—but there is one thing that has not been discussed as much, and that is the National Flood Insurance Program that is also included in this bill.

Homeowners insurance covers damage from various sources, but it does not cover damage that results from flooding. Sadly, in too many cases unknowing Americans learn of this hole in their policy only after it is too late. In recognition of this major gap in coverage, Congress created the National Flood Insurance Program in 1968 to give home and business owners the chance to financially protect themselves, their property, and their families. For over 40 years, this program has helped communities recover after devastating natural disasters. I have been in some of these disasters: The flood in Rushford, MN. No one will forget Grand Forks. No one will forget how close we got last year with Fargo, and the Minnesota city of Moorhead; the floods in Iowa in the last 2 years. These are real disasters.

All regions of America are susceptible to flooding, whether it is torrential seasonal floods, rains, thunderstorms, or even the recent tsunami across the Pacific Ocean that struck after the tragic earthquake in Chile. We cannot escape the powerful forces of nature.

Flooding by its nature is unpredictable. Families and businesses need to know if the worst happens they will have the tools needed to help them get back on their feet. In my State, the Flood Insurance Program is vital to those who live in any area susceptible to flooding. However, at this time of year our attention is focused on families living across the Red River Basin in northwestern Minnesota.

Last spring, above-average rainfall compounded by an untimely melting of snow resulted in, as we all saw on TV, devastating floods along the Red River which hit the highest level ever recorded. I was there with the people. It was an extraordinary effort, as you watched grandmothers taking the frozen sandbags and putting them in place. You saw people who were up for 48 hours to protect their homes. As the waters receded, President Obama declared 15 counties as disaster areas, and communities throughout the region began the lengthy cleanup process and solemnly faced the devastation. This is not the first time the Red River has overflowed its banks, and it certainly will not be the last.

We are working at this moment on a long-term plan so this doesn't happen in the future, but for now we are again facing a threat in the Red River. This winter's heavy snowpack has led to a gloomy outlook for flooding this spring, which does not bode well for these communities. Volunteers in Moorhead, MN, have already begun filling sandbags in preparation for this year's floods. Although the Red River runs between Moorhead, MN, and Fargo, ND, when it comes to this calamity, the area is one community. In a testament to the people of northwest Minnesota and eastern North Dakota, the river does not divide us; it unites us.

As honorable, tireless, and commendable these efforts are, they cannot do it alone, and they need and deserve our help. Facing the heartbreaking loss of a home, the National Flood Insurance Program at least provides participants the peace of mind that their livelihoods will not be equally destroyed, and they will have the financial resources to start over.

Sadly, the actions of one Member of this body have not only put in jeopardy this program but endanger all the communities and residents along the Red River, those who have not yet purchased their flood insurance—and believe me, there are still some people because they are calling our office.

Cherie, a resident of Moorhead, MN, contacted my office trying to understand how this legislative paralysis caused by one Member of this body will impact her neighbors and her community. As of Monday, this program has come to a halt. Certain policy renewals may move forward, but those seeking a new policy to protect their homes may be left out in the cold.

Because of this body's inability—because of one person's decision—to extend the authorization of this vital program, residents in the Red River Valley do not know if they are going to be able to get flood insurance by the time the waters begin to rise in late March and early April. The intricacy of this program complicates matters more. New policyholders must wait 30 days before they take effect. There is no time to spare for Minnesotans seeking to protect their families from the upcoming floods. They may come at the end of the month. They may come at the beginning of April. We don't know.

There are other parts of this country where flooding comes later, and those people will be interested in purchasing policies. They don't know if their business is going to be able to survive another flood season or whether they will lose everything with no second chance to start over.

It is important to note that the National Flood Insurance Program saves taxpayer dollars. When communities implement flood plain management requirements and residents purchase flood insurance, the Federal Emergency Management Agency estimates that flood damage is reduced by $1 billion each year. In fact, FEMA estimates that the Federal Government saves between $3 and $4 for every $1 spent on flood mitigation in advance of a problem.

The Flood Insurance Program also provides building standards which,

when followed, leads to 80 percent less damage annually than those structures not built according to these standards.

But this is not the only program being threatened by this stalemate. Because of Senator BUNNING's objections yesterday, roughly 2,000 Department of Transportation staff were furloughed, largely at the Federal Highway Administration, which is responsible for highway, bridge, and road construction projects across our Nation.

I know a little bit about those projects because I live six blocks from that bridge that fell down in the middle of the Mississippi River in the middle of a beautiful summer day—an eight-lane highway down the middle of the Mississippi River. We know how important these highway projects are to rebuilding safely, and we can just have one Member of the Senate who decides to stop these types of projects in their tracks?

Highway projects are financed by State departments of transportation, and Federal funds reimburse the States for work on their projects. With furloughed staffs, these reimbursements will come to a halt which will force State departments of transportation across the Nation to halt work. The reimbursements amount to $190 million per day.

In addition, Senator BUNNING's actions will prevent the departments of transportation from making vital grant awards. I am a member of the Environment and Public Works Committee, which deals with roads and bridges, and I found the stopping of these programs particularly troubling. Ironically, on Wednesday, the committee will hold a hearing on the importance of transportation investment in the national economy.

If we are going to move forward to the next century's economy, we need to have the next century's transportation system. I respectfully request the Senator from Kentucky allow an up-or-down vote on his amendment; that he stop stalling; that he let us vote so the people of the Red River Valley who have not yet purchased flood insurance can buy that insurance; the people who want their bridges built and their highways built can go ahead and have those things done; the people waiting on their unemployment benefits can have that unemployment compensation. I request he stop stalling so the Senate can resume work and extend these programs for the stop-gap emergency basis on which so many programs and so many Americans depend.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOW-INCOME HOUSING TAX CREDIT

Ms. LANDRIEU. I rise to speak for a few minutes while we are in a quorum call and trying to decide how we are going to proceed on this bill, to speak about a very important amendment that, hopefully, at some time as this debate moves forward, could be considered.

It is an extremely important amendment, not just to the people of Louisiana but to the people of Mississippi and Alabama as well, three States that were very hard hit by a natural disaster 4½ years ago, when Katrina, one of the largest hurricanes ever recorded, slammed into actually the gulf coast, hit the State of Mississippi directly and then parts of Louisiana.

Then, 3 weeks later, we were hit by another category 4 storm, Hurricane Rita. We are 4½ years into that disaster and catastrophe, and the gulf coast is still struggling to recover.

People are very familiar with the scenes they are seeing in Haiti, and now, unfortunately, we are getting very familiar with the scenes we are seeing in Chile. So it was not that long ago that we were seeing similar scenes along the gulf coast, not as desperate a situation as Haiti. We are not clear about how the situation in Chile is playing out.

But we can all remember the terrible videos and slides of destruction. Having represented that State now for all this time, let me tell you, our work is still going on. That is what brings me to the floor today. In the underlying bill, there are some big issues that have gotten a lot of coverage: unemployment, COBRA, et cetera. These are all very important. There are also some smaller pieces of this bill that are very important, the extension of some tax credits that help to restore tax credits in the region; a 1-year extension. There is a 1-year extension for low-income housing, a tax credit for the whole country.

But what is not in the bill, what is missing, is the piece I wish to talk about and ask my colleagues to consider adding to this bill when we get to a position where some amendments might be considered.

This amendment that I offer is not just offered by myself but offered by Senator COCHRAN and Senator WICKER and Senator VITTER. It was a bipartisan amendment and something the four of us feel very strongly about. In addition to the support it has from the four of us, it also, happily, has the support of the administration and the Secretary of HUD.

At this time, I would ask unanimous consent to have printed in the RECORD a very strong letter in support from Secretary Geithner and Secretary Donovan.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 2, 2010.

Hon. MARY L. LANDRIEU,
U.S. Senate,
Washington, DC.

DEAR SENATOR LANDRIEU: Thank you for your letter of February 25, 2010, regarding the extension of the Gulf Coast Opportunity Zone (GO Zone) Low Income Housing Tax Credit (LIHTC) placed-in-service date. Please be assured that the Administration understands the critical need for the extension of the GO Zone tax credits, and also the negative impact that failing to extend the credits would have on New Orleans and other communities impacted by Hurricanes Katrina and Rita as they continue recovery efforts. You should also be assured that the Administration supports an extension of 2 years to December 31, 2012, of the GO Zone placed-in-service date and is committed to working with Congress to see that the extension is enacted as soon as possible.

As you mentioned in your letter, the economic activity spurred by the GO Zone credits has played an important stimulative role in the rebuilding of the Gulf Coast. These tax credits have fostered development in devastated areas and have enabled the return of people who love their communities and who are the drivers of local economies throughout the Gulf Coast. GO Zone projects have created jobs and stimulated the economic recovery in these areas. In New Orleans, specifically, the tax credits have played a central role in leveraging the financing needed to complete the rebuilding of the Big Four public housing developments: St. Bernard, C.J. Peete, Lafitte, and B.W. Cooper. The revitalized developments have not only spurred activity surrounding construction and will restore essential affordable housing, but have also encouraged the establishment of new businesses and improved civic life around these developments.

Since the beginning of the Administration, President Obama, Vice President Biden, Dr. Jill Biden, 13 other members of the Cabinet, and numerous agency heads, assistant secretaries, and other senior level administration officials have visited New Orleans and the wider Katrina- and Rita-impacted area to see firsthand the scale of the recovery challenges that remain. Our respective agencies have made significant investments of staff and funding to support the recovery efforts. Many of these programs continue to provide meaningful resources to disaster survivors and the communities being rebuilt. Through these visits, we have come to recognize the dire impact that failing to extend this tax credit would have on Gulf Coast communities and individual families, many of whom were the hardest hit by Hurricanes Katrina and Rita and the recent recession. Not extending the GO Zone placed-in-service date would result in a major setback for the recovery, and would impact public housing residents, business, and communities. It would be unconscionable to let the work that has created so much progress, and so much hope, go unfulfilled.

We will continue to urge members of Congress to extend the GO Zone placed-in-service date and stand firmly behind such an extension. We are confident that with your help we will see the extension signed into law, and with it, continued economic activity and community revitalization in the Katrina affected Gulf Coast.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.
SHAUN DONOVAN,
Secretary of Housing and Urban Development.

Ms. LANDRIEU. They have written a very lengthy letter saying why the

amendment I am offering is so important. In addition, I am happy to say, today we got a very strong editorial in the New York Times, which does not always write favorably about some things we have requested. But they have looked at this and have indicated this is something that should be done.

Let me take a minute to explain what we are asking for. Right after Katrina and Rita, the Congress, in its wisdom, said: Your situation is so bad down there, you have had so many houses destroyed, so many low-income houses destroyed, we are going to give you some extra low-income housing tax credits.

We normally get a formula of about $2 per person in the country. Well, they gave us like $18 per person in the country, which was wonderful. We needed the help. We needed those extra low-income housing tax credits to build housing for the very poor but also to build housing for the working middle class, people whom we rely on to help our hotels get started, our restaurants get started, our schools to run, our teachers, our firefighters, our police officers.

So the city and the region—this happened in New Orleans and lots of other parishes. It also happened along the gulf coast of Mississippi. Catholic Charities stepped to the plate, developers stepped to the plate and said: OK, we will use these low-income tax credits to build some housing.

Think about Haiti right now. Think about the scene you saw on CNN this morning. I was just looking at the scene. There is no plan. The rainy season is coming. One million people have no shelter. All they have are those sad old little blue tarps we had along the gulf coast. But Congress, in its wisdom, instead of keeping them in tents in the Mississippi gulf coast said: OK, hire, private sector. Here are some tax credits. Go out and build houses for these people as fast as you can.

So the developers, of course, had to scramble. We all had to scramble because it was very chaotic. But we put plans together and we decided how—it would take us some time, but we figured out how to build good housing, smart housing, not the same old terrible housing we had but new housing.

That is wonderful. That is the good part of the story. The bad part of the story is, we have run out of time. But it is not our fault we ran out of time. We worked as hard as we could. But as soon as we were ready to go to the market with these tax credits, what happens? The market collapses. So then our developers could not even get the tax credits.

The problem for us, which is a big problem, is that now if we do not have all these units, what they call, in service, by the end of this year, we are going to lose over 7,000 housing units. That is a lot. Not 70, not 700 but 7,000 all through the city of New Orleans, all through the gulf coast.

People—seniors, policemen, firefighters, teachers, workers in the restaurants—will have no place to live. Everybody says: Oh, LANDRIEU, there you are crying wolf again. I am not crying wolf. This is going to happen. So that is why this amendment—I have been asking for it for a year. The team has been very supportive, but it is not in the bill.

So I am on the floor to shake the bells, rattle a little bit, to say: Please consider this amendment. We are not asking for any new credits. We are not asking for any special credits. We do not—well, we need some new credits, but we are not asking for new credits. We just need to have the credits we have that have already been put into place. We cannot lose them.

This amendment is going to cost about $300 million. It has a cost to it. I am asking the Finance Committee to please see how we can pay for this. It is an emergency, but I understand we want to try to pay for things as we go on, things such as this. So I am asking the Finance Committee to think about how this can be paid for.

But, again, I submit, in conclusion, the letter from the administration supporting it, the letter from Secretary Donovan, the editorial we got in the New York Times, the articles I am going to submit from our newspapers that clearly say this is important.

I thank the Members of this body for at least considering this amendment. I thank Senator COCHRAN, Senator WICKER, and Senator VITTER for joining in a bipartisan way to ask for it. I most certainly hope we can get this done because if not we are going to shut down these projects that are underway, we will lose 13,000 jobs, as well as lose the opportunity for over 7,000 families on the gulf coast to get good, affordable housing.

That is our argument, and I do not think there is any opposition. I hope not. Because it would be very important for us to get this amendment on this bill.

Mr. President, if there is no one here to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KAUFMAN. Thank you, Madam President.

HIGH-FREQUENCY TRADING

Mr. KAUFMAN. Madam President, I have spoken on the Senate floor many times about the importance of transparency in our markets. Without transparency, there is little hope for effective regulation. And without effective regulation, the very credibility of our markets is threatened.

But I am concerned that recent changes in our markets have outpaced regulatory understanding and, accordingly, pose a threat to the stability and credibility of our equities markets. Chief among these is high-frequency trading.

Over the past few years, the daily volume of stocks trading in microseconds—the hallmark of high-frequency trading—has exploded from 30 percent to 70 percent of the U.S. market. In the past few years, this trading has exploded from 30 percent to 70 percent of the entire U.S. trading market.

Money and talent are surging into a high-frequency trading industry that is red hot, expanding daily into other financial markets not just in the United States but in global capital markets as well.

High-frequency trading strategies are pervasive on today's Wall Street, which is fixated on short-term trading profits. Thus far, our regulators have been unable to shed much light on these opaque and dark markets, in part because of their limited understanding of the various types of high-frequency trading strategies. Needless to say, I am very worried about that.

Last year, I felt a little lonely raising these concerns. But this year, I am starting to have plenty of company.

On January 13, the Securities and Exchange Commission issued a 74-page Concept Release to solicit comments on a wide range of market structure issues. The document raised a number of important questions about the current state of our equities markets, including:

> Does implementation of a specific [high-frequency trading] strategy benefit or harm market structure performance and the interests of long-term investors?

The SEC also called attention to trading strategies that are potentially manipulative, including momentum ignition strategies in which ''the proprietary firm may initiate a series of orders and trades (along with perhaps spreading false rumors in the marketplace) in an attempt to ignite a rapid price move either up or down.''

The SEC went on to ask:

> Does . . . the speed of trading and ability to generate a large amount of orders across multiple trading centers render this type of a strategy more of a problem today?

The SEC raised many critical questions in its concept release, and I appreciate that the SEC is going to undertake a baseline review.

As its comment period moves forward, I am pleased to report that other regulators and market participants, both at home and abroad, have taken notice of the global equity markets' recent changes, including the rise in high frequency trading.

In the United States, the Federal Reserve Bank of Chicago, in the March 2010 issue of its Chicago Fed Letter, argued that the rise of high-frequency

trading constitutes a systemic risk, asserting:

The high frequency trading environment has the potential to generate errors and losses at a speed and magnitude far greater than that in a floor or screen-based trading environment.

In other words, high-frequency trading firms are currently locked in a technological arms race that may result in some big disasters.

Citing a number of instances in which trading errors occurred, the Chicago Fed stated:

A major issue for regulators and policymakers is the extent to which high frequency trading, unfiltered sponsor access and co-location amplify risks, including systemic risk, by increasing the speed at which trading errors or fraudulent trades can occur.

Moreover, the letter cautions about the potential for future high-frequency trading errors arguing:

Although algorithmic trading errors have occurred, we likely have not yet seen the full breadth, magnitude, and speed with which they can be generated.

There is action internationally as well. On February 4, Great Britain's Financial Services Secretary, Paul Myners, announced that the British regulators were also conducting an ongoing examination of high-frequency trading practices, stating:

People are coming to me, both market users and intermediaries, saying that they have concerns about high frequency trading.

These developments come on the heels of another British effort targeting so-called ''spoofing'' or ''layering'' strategies in which traders feign interest in buying or selling stock in order to manipulate its price. In order to deter such trading practices, the Financial Services Authority, FSA, announced that it would fine or suspend participants who engage in market manipulation. Noting that some market participants may not be sure that spoofing or layering is wrong, the FSA spokesman said: ''This is to clarify that it is.''

In Australia, market participants are also requesting clearer definitions of market manipulation, particularly with regard to momentum strategies such as spoofing. In a review of algorithmic trading published on February 8, the Australian Securities Exchange called on its regulators to ''ensure that . . . market manipulation provisions . . . are adequately drafted to capture contemporary forms of trading and provide a more granular definition of market manipulation.''

It is critical our regulators understand the risks posed by high-frequency trading both in terms of manipulation and at a systemic level. As the Chicago Fed stated, the threat of an algorithmic trading error wreaking havoc on our equities markets is only magnified by so-called ''naked'' or unfiltered sponsored access arrangements, which allow traders to interact on markets directly—without being subject to standard pretrade filters or risk controls.

Robert Colby, the former Deputy Director of the FEC's Division of Trading and Markets, warned last September that naked access leaves the marketplace vulnerable to faulty algorithms. In a speech given at a forum on the future of high-frequency trading, which was cited by the Chicago Federal Reserve's recent letter, Mr. Colby stated that hundreds of thousands of trades representing billions of dollars could occur in the 2 minutes it could take for a broker-dealer to cancel an erroneous order executed through naked access.

According to a report released December 14 by the research firm Aite Group, naked access now accounts for a staggering 38 percent of the market's average daily volume compared to only 9 percent—compared to 9 percent—only 4 years ago. That means in just 4 years, what has been determined to be a risky enterprise has increased from 9 percent of the market's average daily volume to 38 percent. That is almost 40 percent of the market's volume being executed by high-frequency traders interacting directly on exchanges without being subject to any pretrade risk monitoring.

In January, the SEC acted to address this ominous trend by proposing mandatory pretrade risk checks for those participating in sponsored access arrangements. This move would essentially eliminate naked access, and I applaud the SEC for its proposal.

While I am pleased that the SEC has taken on naked access and has issued a concept release on market structure issues, there is much more work that still needs to be done in order to gain a better understanding of high-frequency trading strategies and the risks of front running and manipulation they may create. In the last few months, several industry studies aimed at defining the benefits and drawbacks of high-frequency trading have emerged. While these studies may not be the equivalent of a peer-reviewed academic study, they do have the credibility of real-world market experts, and they begin to shed light on the opaque and largely unregulated, high-frequency trading strategies that dominate today's market.

In addition to the Aite Group study, reports by the research group, Quantitative Services Group, QSG; the investment banking firm, Jefferies Company; the dark pool operator, Investment Technology Group, ITG; and the institutional brokerage firm, Themis Trading, all raise troubling concerns about the costs of high-frequency trading to investors and reinforce the need for enhanced regulatory oversight of these trading practices.

Last November, QSG analyzed the degree to which orders placed by institutional investors are vulnerable to high-frequency predatory traders who sniff out large orders and trade ahead of them. Specifically, the study concluded that splitting large orders into several smaller ones not only enhances the risk of unfavorable changes in price but also increases ''the chances of leaving a statistical footprint that can be exploited by the 'tape reading' HFT algorithms.''

While traders have long tried to trade ahead of large institutional orders, they now have the technology and models to make an exact science out of it.

In a study put forth on November 3, the Jefferies Company examined the advantages high-frequency traders gain by colocating their computer servers next to exchanges and subscribing directly to market data feeds.

Jefferies estimates that these advantages afford high-frequency traders a 100- to 200-millisecond advantage over those relying on standard data providers. As a result, Jefferies concludes, high-frequency traders enjoy ''almost risk-free arbitrage opportunities.''

A Themis Trading white paper released in December elaborated on Jefferies' conclusion, noting that the combination of speed and informational advantages allow high-frequency traders to ''know with near certainty what the market will be milliseconds ahead of everybody else.''

The studies and papers I have mentioned underscore the need for the Securities and Exchange Commission to implement stricter recording and disclosure requirements for high-frequency traders under a large trader authority, as Chairman Mary Schapiro promised in a letter to me on December 3. We need—and we need now—tagging of high-frequency trading orders and next-day disclosure to the regulators, and we need them now.

For investors to have confidence in the credibility of our markets—and that is absolutely key. America is great because of the credibility of our markets. If we don't have credible markets, we are in deep trouble. It is one of the things that makes America great and unique. For investors to have confidence in the credibility of our markets, regulators must vigorously pursue a robust framework that maintains strong, fair, and transparent markets.

I would make five points along these lines.

First, the regulators must get back in the business of providing guidance to market participants on acceptable trading practices and strategies. While the formal rulemaking process is a critical component of any robust regulatory framework, so, too, are timely guidelines that bring clarity and stability to the marketplace.

Colocation, flash orders, and naked access are just a few practices that seem to have entered the market and have become fairly widespread before being subject to regulatory scrutiny. For our markets to be credible—and it is essential that they remain credible—it is vital that regulators be proactive—rather be reactive, when future developments arise.

Second, the SEC must gain a better understanding of current trading strategies by using its ''large trader'' authority to gather data on high-frequency trading activity. Just as importantly, this data, once masked, should be made available to the public for others to analyze.

I am concerned that academics and other independent market analysts do not have access to the data they need to conduct empirical studies on the questions raised by the SEC in its concept release. Absent such data, the ongoing market structure review predictably will receive mainly self-serving comments from high-frequency traders themselves and from other market participants who compete for high-frequency volume and market share.

Evidence-based rulemaking should not be a one-way ratchet because all the ''evidence'' is provided by those whom the SEC is charged with regulating. We need the SEC to require tagging and disclosure of high-frequency trades so that objective and independent analysts—at FINRA, in academia, or elsewhere—are given the opportunity to study and discern what effects high-frequency trading strategies have on long-term investors. They can also help determine which strategies should be considered manipulative.

Third, regulators must better define manipulative activity and provide clear guidance for traders to follow just as Britain's regulators have done in the area of scrutiny. By providing rules of the road, regulators can create a system better able to prevent and prosecute manipulative activity.

Fourth, the SEC must continue to make reducing systemic and operational risk a top regulatory priority. The SEC's proposal on naked access is a good first step, but exchanges must also be directed to impose universal pretrade risk tests. If that is solely in the hands of individual broker-dealers, a race to the bottom might ensue. We simply must have a level playing field when it comes to risk management that protects our equities markets from fat fingers or faulty algorithms. Regulators must therefore ensure that firms have proprietary operational risk controls to minimize the incidence and magnitude of any such errors while also preventing a tidal wave of copycat strategies from potentially wreaking havoc on our equity markets.

Fifth, the SEC should act to address the burgeoning number of order cancellations on the equities markets. While cancellations are not inherently bad—they can in fact enhance liquidity by affording automated traders greater flexibility when posting quotes—their use in today's marketplace, however, is clearly accessible and virtually a prima facie case that battles between competing algorithms, which use cancelled orders as feints and indications of misdirection, and have become all too commonplace, overloading the system and regulators alike.

According to the high-frequency trading firm T3Live, on a recent trading day only a little more than 1 billion of the over 89 billion orders on NASDAQ's book were ever executed, meaning a whopping 99 percent of total bids and offers were not filled. Cancellations by high-frequency traders, according to T3Live, are responsible for the bulk of these unfilled orders.

The high-frequency traders that create such massive cancellation rates might cause market data costs for investments to rise, make the price discovery process less efficient, and complicate the regulator's understanding of continuously evolving trading strategies. What is more, some manipulative strategies, including layering, rely on the ability to rapidly cancel orders in order to profit from changes in price.

Perhaps excessive cancellation rates should carry a charge. If traders exceed a specified ratio of cancellations to orders, it is only fair that they pay a fee. The ratio could be set high enough so that it would not affect long-term investors or even day traders and should apply to all trading platforms, including dark pools and ATSs, as well as exchanges.

The high-frequency traders who rely on massive cancellations are using up more bandwidth and putting more stress on the data centers. Attempts to reign in cancellations or impose charges are not without precedent. In fact they have already been implemented in derivatives markets where overall volume is a small fraction of the volume in cash market for stocks. The Chicago Mercantile Exchange's volume ratio test and the London International Financial Futures and Options Exchange's bandwidth usage policy both represent attempts to reign in excessive cancellations and might provide a helpful model for regulators wishing to do the same.

Finally, the high frequency trading industry must come to the table and play a constructive role in resolving current issues in the marketplace, including preventing manipulation and managing risk. In order to maintain fair and transparent markets and avoid unintended consequences, market participants from across the industry must contribute to the regulatory process. I am pleased that a number of responsible firms are stepping forward in a constructive way, both in educating the SEC and me and my staff. I look forward to continue to working with these industry players.

We all must work together, in the interests of liquidity, efficiency, transparency and fairness to ensure our markets are the strongest and best-regulated in the world. But we cannot have one with the other—for markets to be strong, they must be well-regulated. So with this reality in mind, I look forward to working with my colleagues, regulatory agencies, and people from across the financial industry to ensure our markets are free, credible and the envy of the world.

Madam President, I ask unanimous consent that links to some of the studies I have mentioned be printed in the RECORD.

There being no objection, the following material was ordered to be printed in the RECORD, as follows:

www.qsg.com

''Liquidity Charge® & Price Reversals: Is High Frequency Trading Adding Insult to Injury?'' February 11, 2010

''Beware of the VWAP Trap,'' November 11, 2009

http://www.themistrading.com/article_files/0000/0519/THEMIS_TRADING _White_Paper_ Latency_ Arbitrage_December_4_2009.pdf

http://www.itg.com/news__events/ papers/AdverseSelectionDarkPools__113009F.pdf

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT RELIEF

Ms. MIKULSKI. Madam President, I come to the floor of the Senate to say to my colleague from Kentucky: Let the unemployment bill go. Let's free the unemployment compensation bill, the bill that will fund COBRA health insurance benefits and put people back to work building highways, and let's pay doctors the fees they deserve for saving lives and improving lives. Of all of the bills in the United States of America, why are we holding up this one? I think it is outrageous, and I think it is egregious.

My Lord, look at this. Right now in the United States of America, 400,000 American citizens are not receiving their unemployment benefits. They have been laid off. They have been pushed around. They have been pushed out. And now the Senate will not act to extend their benefits.

Then there are the health insurance benefits called COBRA, and 500,000 Americans are not getting that. Who gets COBRA benefits? No, it is not a snake—although there are a lot of snakes around. It means that if you were laid off from a company, you have the opportunity to, with your own money out of your own pocket, be able to buy insurance and get a modest subsidy to help you through this. My gosh, why can't we do this?

Then there are the thousands of doctors who are not being paid. There are the highway people who are not being paid.

I gave you national statistics, but I am a Senator from Maryland. I want you to know that tonight there are 4,700 unemployed workers in my State who are not going to get their unemployment benefits—4,700 unemployed workers. That is money they could use to provide their families with a safety net for food, housing, heat, and for the expenses and activities of daily living.

This isn't just a number. It is not a statistic. We are talking about 4,700 families who won't have a source of income to get them through this very difficult time.

Then there is COBRA. Again, COBRA pays 65 percent of the cost of health insurance for people who have lost their jobs. In Maryland, there are 9,282 people—close to 10,000—who have lost their benefits. COBRA makes sure they have health care. We are talking about someone, for example, who worked for a company all of his life, and then he was laid off because it was part of the great layoff that is going on in my State. He went to buy health insurance, and he is buying it through COBRA. It costs almost four times what it cost where he worked. At the same time, he has health problems. He is a diabetic. He is a father. He wants to work and, most of all, he wants to have health insurance for himself and his family. But, oh, no, we are holding it up because of something called pay-go.

Then what else are we doing? We are not paying our doctors. Regardless of how one feels about health insurance reform, you can't have health reform without doctors.

The opposition to health care reform, like Mr. BOEHNER, says we have the best health care system in the world. If we have the best health care system, why aren't we paying our doctors what they deserve? These are highly skilled people who work sometimes day and night to be able to save lives or improve lives. They assume the risks of medical management of highly complex cases. Why are we cutting their pay by 21 percent? I don't see those guys over there cutting their pay 21 percent until we figure out how to pay for our salaries. Why are we cutting doctors 21 percent?

I am so frustrated about this. Whether it is job reform, health care reform, mortgage reform, in this body, when all is said and done, more gets said than gets done.

The American people are as mad as they can be, and they don't want to take it anymore. I feel the same way. I am sick and tired of all these obstruction tactics that prevent people from getting the benefits they need to take care of their families or fund the programs that create jobs.

If we are going to have job reform and health reform, I think we need Senate reform. I am old-fashioned. I believe the majority rules. I think 51 ought to be a magic number. I am so tired of the tyranny of the 60. Oh, we need 60 votes—60 votes, a supermajority every time, except for the Pledge of Allegiance. I come back to wanting the majority rule. This is why I stand four square for filibuster reform.

I am heart and soul a reformer, sometimes a little too mouthy. Some people say I am a little too feisty. But I want to get the job done. I am ready to duke it out in the arena of ideas, present our best arguments, present our best cases, take a vote, and see how it turns out.

I hope when I offer amendments I win, but if I lose because I get less than 51, I feel I have gotten a square deal. But if I have to go after 60, I feel I am inhibited by the tyranny of 60.

I believe the filibuster is a dated, arcane tactic that belongs to another century and another Senate. I wish to see the filibuster rule either ended or modified.

There are those on our side of the aisle who say: Don't do that. What happens if we lose control, we might need it. Maybe if majority ruled, we would not lose control. Most of all, maybe the American people would see us actually debating, discussing, amending, and voting on ideas. Right now, the other side hides behind procedure. It hides behind process, it muddies the water, and the people are starting to catch on.

I am calling on our institution to seriously consider Tom Harkin's legislation. I think Senator HARKIN is on to something. Senator HARKIN and I are great respecters of the Senate and its traditions. We understand the filibuster and when it was used for great and grand debates on, for example, the expansion of civil rights in our country.

Under the Harkin proposal, you would get four shots at it. I think my colleague from Kentucky would like it. He is a baseball icon. You get three strikes and you are out. Maybe we would get four bites at the apple. The first time you vote if you don't get 60, it would fail. The second time you would need 59 votes or it would fail. The third time you would need 57 votes or it would fail. The fourth time, 53 votes and then we would come back to 51.

We are not for throwing away the filibuster, but we are for modifying it. Hopefully, it will bring us to a Senate that wants more function as the greatest deliberative body in the world. Now we are the greatest delayed body in the world. We don't deliberate; we delay. We don't do constructive things; we do obstructive things. This is not the Senate the American people want. They want us to debate ideas. They want us to do due diligence on those ideas, to make sure they are sensible, that they are affordable, that we are doing something that accomplishes the great missions of our country. I want, again, majority to rule.

I call upon the Senator from Kentucky and the other party: Let this bill go. Bring it out. Please, let us have a vote on it so tonight, when the families in Maryland go to bed, they can be sure that tomorrow when they awaken, their safety net of unemployment compensation is there; that they can buy their health insurance through COBRA, that gifted and talented doctors will know they will be paid and reimbursed and acknowledged for the great services they are performing. That is what the United States should be doing. There is plenty of money for other things.

When they talk about how they want this to be pay as you go—I voted for pay-go. I did. But we are in an emergency situation, and I believe this calls us to act now, and I hope we act tonight.

I hope we can all work together, and when more is said, the less gets said and more gets done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO AMBASSADOR ANNE PATTERSON

Mr. KAUFMAN. Madam President, I rise again to pay tribute to one of our Nation's great Federal employees.

From the day of its creation as the first executive department in 1789, the State Department has carried out the important work of American diplomacy, pursuing peaceful relations between the United States and other nations around the world. When our role as a world power grew in the late 19th century, our diplomats became peacemakers among nations. Since the end of World War II, we heavily invested our time, treasure, and human capital in the preservation of global peace during a time wrought with potential for war and mass destruction.

Today, in the aftermath of the Cold War and the September 11 attacks, our State Department personnel, and our Foreign Service officers in particular, work tirelessly to promote the American values of liberty and international cooperation.

Stationed in every region, they daily endure risks to their health and safety. They leave behind family and a familiar culture. These talented and dedicated men and women are the living embodiment of President Kennedy's declaration that, while we must never negotiate out of fear, we must never fear to negotiate.

Those in the Foreign Service must pass a rigorous examination and be prepared to serve in any of our 250 posts around the world. They have jobs as consular officers assisting Americans abroad, political or economic officers analyzing trends in foreign countries and promoting U.S. interests, management officers running our embassies or public diplomacy officers who share the story of America with foreign audiences.

The most senior and successful diplomats may become ambassadors, the public face of our Nation and the President's personal representatives abroad.

One distinguished Ambassador whose career exemplifies the work of our Foreign Service is Anne Patterson.

A native of Arkansas, Anne studied at Wellesley College and the University of North Carolina. She first joined the Foreign Service in 1973 as an economic

officer. Her initial postings overseas included Saudi Arabia and the United Nations offices in Geneva, Switzerland. From 1991 to 1993, Anne served as the State Department's Director for Andean Countries and later was appointed Deputy Assistant Secretary for Inter-American Affairs.

In 1997, Anne was nominated and confirmed as Ambassador to El Salvador, where she served for 3 years. She became our Ambassador to Colombia in 2000. While escorting the late Senator Paul Wellstone on a visit that year to a rural town, an explosive device was found nearby by local security forces. That incident underscores the reality of the many dangers our Foreign Service officers face while serving overseas.

Anne returned to Washington in 2003, where she served as deputy inspector general for the State Department. The following year, she was appointed Deputy Permanent Representative to the United Nations in New York. After U.N. ambassador John Danforth resigned in January 2005, Anne became acting ambassador, representing the United States at the United Nations. She continued to serve in that role for 6 months.

From 2005 to 2007, Anne led the State Department's Bureau of International Narcotics and Law Enforcement Affairs. In May 2007, after Ambassador Ryan Crocker left Islamabad to take up his post in Iraq, President Bush nominated Anne to serve as our Ambassador in Pakistan. She continues her work in Islamabad to this day, representing our Nation at a time of great importance with the United States-Pakistani relationship.

During the times I have had the honor of visiting her and our Embassy officials in Pakistan, I have been impressed by her dedication to furthering Americans' priorities in that country, to protecting our national security interests, and to managing our talented team on the ground.

The life of a Foreign Service officer is not easy. Anne and her husband and her two sons and stepdaughter can attest that Foreign Service families face many challenges during a career of living overseas and moving frequently. In addition, Foreign Service families must make significant sacrifices to serve in dangerous locales, such as Pakistan, Afghanistan, and Iraq, where there are restrictions on bringing spouses and children to post. These officers serve in the face of great hardship, not for financial reward but for the satisfaction of serving the United States of America, protecting its interests, and promoting peace among nations.

I hope my colleagues will join me in recognizing the enormous contribution made by Ambassador Anne Patterson and all those who serve in the Foreign Service and the State Department.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENIORS COLA INCREASE

Mr. SANDERS. Madam President, tomorrow I intend to call up an amendment within the discussion of the jobs bill which I think will have significant impact on the lives of many millions of our fellow Americans. As you know, this year for the first time in many decades, our senior citizens are not going to be seeing a cost-of-living increase. In this very severe recession, that is unfortunate. Seniors in Vermont and around the country have told me that because of rising health care costs, because of rising energy and heating costs, because of rising prescription drug costs—all issues which seniors and disabled veterans are particularly prone to—it is unfair they not get a COLA this year.

I am very happy to inform my colleagues that President Obama, in his budget, has made it very clear he understands the need for a $250 emergency payment to go out to over 55 million seniors, veterans, and the disabled. I very much appreciate his support for this concept. And he is absolutely right, that in these very difficult times we cannot forget about some of the most vulnerable people in our society. There are a lot of lower income seniors out there who are struggling, as well as disabled veterans and disabled people in general.

This amendment, which essentially does this year what we did last year in the stimulus package, would provide a one-time $250 payment. This amendment has very widespread support all over this country, and let me mention to you some of the organizations that are supporting it. The largest senior group in America is the AARP, and they are very vigorously supporting this concept, the American Legion and the Veterans of Foreign Wars are supporting this $250 payment, the National Committee to Preserve Social Security and Medicare is supporting it, the Disabled Veterans of America—the DVA—is supporting it, the Older Women's League is supporting it, and many other organizations representing seniors, disabled people, and our veterans are supporting it.

This recession has forced more and more seniors out of the middle class and into poverty. In fact, according to a National Academy of Sciences formula, the poverty rate among Americans 65 and older is close to 19 percent—almost double the official poverty rate of 9.7 percent. One of the problems I have had in dealing with Social Security COLAs for many years, including when I was in the House, is I have long believed it is an error, a statistical problem, when we lump everybody together and formulate what a COLA is. If you lump everybody together, I think you can probably make the argument that there is no inflation and in fact in some instances there is deflation.

We see that every day. Young people who go out and buy a laptop computer will probably pay less for that laptop today than they did a year ago. Prices may be going down. For wide-screen TVs, prices may be going down. For many items people buy, prices may be going down. But seniors have a different set of needs than ordinary Americans and 16-year-old kids have. Seniors are much more dependent on prescription drugs. The cost of prescription drugs is going up. Seniors are much more dependent on health care. The cost of health care is going up. Seniors are dependent—at least in the Northeast where I live, in Vermont—on keeping their homes warm, and the cost of fuel has gone up. So I think if you take a hard look at the needs of seniors, the needs of people with disabilities, the needs of disabled veterans, you will find they have seen increased costs over the year. And if we say to those folks: There is no COLA for Social Security, and we are not doing anything for you, they are going to find themselves in substantially worse shape than they were last year.

I did want to say that this amendment, as of now, is supported by Senators DODD, GILLIBRAND, LEAHY, and WHITEHOUSE, and we look forward to more support. This concept is in the President's budget, and the President has been very clear about the need to go forward with a $250 payment. This amendment we will be offering tomorrow is supported by the AARP, the American Legion, the Veterans of Foreign Wars, the National Committee to Protect Social Security and Medicare, the Disabled Veterans of America, Older Women's League, and many other organizations.

We will be offering an amendment which simply says we are not going to leave America's seniors out in the cold. We are not going to leave America's disabled veterans out in the cold. And while there is no COLA this year, we are at least going to do what we did last year and provide them with a $250 emergency payment. Not a whole lot of money in the great scheme of things, but, trust me, having just met with seniors on Monday, a lot of seniors in this country today are finding it very difficult to feed themselves and to take care of their basic needs. While this is not going to solve all of their problems by any means, it is going to help. So I would hope that tomorrow my colleagues will be supporting this amendment when we bring it forth.

Madam President, with that, I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHWAY TRUST FUND EXTENSION

Mr. INHOFE. Mr. President, I cannot express how frustrated I am with Washington politics, as a result of, I believe, irresponsible behavior on the part of Democrats and Republicans, in the House and in the Senate. The Federal Highway Administration shut its doors on Monday, furloughing 2,000 employees, putting projects across the country at risk and stopping the highway program from paying States the money they are owed.

I have been in constant communication with Gary Ridley, Oklahoma's transportation secretary—I think the best one in the country. He flew here this week to help resolve this crisis. He told me if it is not worked out by Friday, there will be very serious consequences in my State of Oklahoma. There will be jobs that will be shut down, work that has already been contracted out that will be under default. I understand some of the Democrats are trying to make political hay out of this, but I want to set the record straight that a lone Republican Senator is being singled out for the blame, but in reality there is plenty of blame to go around.

Last week the Senate passed a jobs bill that included a number of tax cuts and long-term extension for the highway program. The House Democrats were divided on the bill and their leadership could not pass the bill. Given the chaos in their caucus, they passed a 30-day extension of the highway bill late last week. Because of this 30-day extension, it would add about $10 billion to the outrageous $13.2 trillion national debt.

A Republican Senator said he would only agree to it if it was offset. Senate Democrats refused to offset the package. Nobody was willing to back down. We find ourselves in this situation today.

Not only is there ample blame to go around on why Congress allowed the highway program and the FHWA to shut down, I think there is equal blame to go around on why it has taken us 6 months to pass a long-term extension.

We tried on numerous occasions to pass the extension. Frankly, this should not come as a surprise to anyone. I have been sounding the alarm for this ever since last July. We learned in July that there are a couple of Senators who are, frankly, opposed to the Federal Highway Program and want to see it underfunded, as has been the case this fiscal year.

I often said—there is no secret to this, even though I am considered to be quite a conservative—in some areas I have been a big spender. One is national defense. The other is infrastructure. That is what we are supposed to be doing here.

On the last day of the fiscal year before the 2005 highway bill expired, Senator BOXER and I, right here on the floor, attempted to pass a long-term extension of the highway program. Unfortunately, we were not successful. The same group of Senators who opposed the highway program demanded that the bill be offset. They suggested unobligated stimulus funds, but the Democrats objected to this. The chairman, that is BARBARA BOXER, and I were working hard to find offset. Senator BOXER got Democratic leadership to agree to use TARP as an offset.

I was very excited about this. I remember I thought that night—it was a Wednesday night, it was getting close to midnight. We had to do something or everything was going to fall apart. I thought we had it resolved. Unfortunately, many Republicans and some Democratic Senators object to this offset. As a result, we were stuck with a 30-day extension on the continuing resolution which funded the program at $1 billion a month more than 2009 levels.

I have to say—and I now blame Republicans for this—I have often said one of the bad things that happened to this Senate happened on October 1 of 2008, when they passed the $700 billion bank bailout bill. That is the TARP funds we are talking about. A lot of conservative Republicans objected to offsetting the TARP because that would be an admission that that money probably was not going to be repaid anyway. I think a lot of Republicans were trying to tell people back home—I didn't vote for this, by the way, but they did. Those who did—don't worry, everything is going to get paid back. It is all going to get paid back. I think we all should have known better. All you had to do was read that bill and that would have been the case.

So then it was the Republicans who refused to use that. The money was there. It could have been used and we wouldn't be facing this dilemma. We could have the 1-year loan extension. We would have time to put together a highway program, which is what we—we—want to do.

Unfortunately, some do not. So it is clear the only way to get a long-term highway extension done is for Senator REID to dedicate a week of floor time to overcome the objections of two or three Republicans who opposed the highway program. To that end, all the chairmen and ranking members of the committees involved sent a bipartisan letter to Senator REID pointing out the problem we were facing and asking for floor time to overcome the objections. Senator REID ignored this request until 2 weeks ago when he abandoned the bipartisan Baucus-Grassley jobs bill in favor of his own bill that included a long-term highway extension. I wish to point out that this maneuver cost the highway extension the bulk of Republican support.

I wish to caution that it is very dangerous to turn a bipartisan issue such as this into a partisan one. Because the highway bill was included with a number of other issues, it got caught up in the House Democratic and second stimulus bill politics unrelated to the highway program. This just reinforces that it should have been done as a standalone measure.

Let me conclude by reading an excerpt of a Tulsa World editorial—that is Tulsa, my hometown. It states:

> What's up with those geniuses in Congress? First they scurry around to get massive stimulus funding in the pipeline in an effort to quickly jump-start the economy, and then they fiddle around and let regular transportation funding that would further aid the recovery lapse. Not a good recipe for ensuring that the recovery will continue.

The editorial concludes:

> Inhofe blamed the funding snafu on politics, which comes as no surprise. Apparently it was just too much to ask of our leaders to put politics aside for once in favor of rescuing the economy and thousands of jobs.

Let me tell you that editorial was from October of last year. It is amazing that Congress has allowed the months to go by since that time.

Right now, what we are facing in my State of Oklahoma is about $415 million a week that is going to cost us. We have contracts that are already let, and we are in a dilemma now to know what to do. We are going to have to resolve this problem by, I would say, Thursday or Friday or it is going to be chaotic. I suggest it is not just my State of Oklahoma that has this problem; many other States do. I hope people set everything aside and try to get this thing done and do one of the things we are elected to do and do something about the infrastructure. Right now, it is in crisis. We are going to have to resolve it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY EXTENSION ACT OF 2010

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 278, H.R. 4691, a 30-day extension of provisions that expired Sunday, February 28; that the Bunning amendment regarding offset, which is at the desk, be the only amendment in order; that there be 60 minutes for debate with respect to the amendment, with the time equally divided and controlled between Senators REID and BUNNING or their designees; that upon the use or yielding back of time, the time until 8:30 p.m. be for debate with respect to the bill, with the

time equally divided and controlled between Senators BAUCUS and GRASSLEY or their designees; that at 8:30 p.m., the Senate proceed to vote in relation to the Bunning amendment; that no further amendments be in order; that upon disposition of the Bunning amendment, the bill, as amended, if amended, be read the third time; that prior to passage, it be in order to raise an applicable budget point of order against the bill; further, that if the point of order is raised, then a motion to waive the applicable point of order be considered made, with no further debate in order; provided that if the point of order is waived, the Senate proceed to vote on passage of the bill, as amended, if amended; further, that when the Senate resumes consideration of H.R. 4213, the next two Democratic amendments be offered by Senators MURRAY and SANDERS and the next two Republican amendments be Bunning amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, briefly, I am pleased Senator BUNNING will have an opportunity to offer the amendments that he thinks are important and that he has been stressing for the last few days. I am glad we were able to work this out and move on with the business of the Senate.

I yield the floor.

The PRESIDING OFFICER. The clerk will read the title of the bill.

The bill clerk read as follows:

A bill (H.R. 4691) to provide a temporary extension of certain programs, and for other purposes.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 3355

Mr. BUNNING. Mr. President, I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 3355.

Mr. BUNNING. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BUNNING. Mr. President, in a minute I will speak about my amendment to pay for this bill. First, I want to talk about how we got here.

Last week, I objected to the majority leader's request for unanimous consent to pass a 30-day extension of several expiring programs that was not paid for. I offered to pass the exact same bill that was paid for, and unfortunately he objected to my request.

There was nothing stopping him from using the tools at his disposal to overcome my objection. The leader could have filed cloture on the bill and brought it to the floor last week, instead of the travel bill that is a great giveaway to his State. If he had done that, this bill would have been signed into law already. He also could have filed cloture on the bill and worked through the weekend and it would already be law. The leader could have proceeded to the bipartisan Baucus-Grassley bill that paid for these programs and it would have been signed into law by now. He could have accepted my request to pay for the bill and we would not be here tonight. Instead, the leader decided to press ahead with a bill that adds to the debt and violates the principles of pay-go that everyone claims to care about.

Just over a month ago, the majority in the Senate passed pay-go legislation that supposedly says we are going to pay for what we spend. I support that idea, but I knew at the time that the legislation would be ignored. Unfortunately, I was right.

Barely 1 week after President Obama signed the pay-go law into effect, the majority leader proposed a bill that was not paid for. That bill passed and added $10 billion to the deficit. That is $10 billion your children and my children and grandchildren will have to pay for. That is $10 billion on top of a $14 trillion national debt. After passing $10 billion more debt on to future generations, the majority leader proposed to pass another bill to add another $10 billion to the debt. That is when I said enough is enough; we cannot keep adding to the debt and passing the buck to generations of future workers and taxpayers—my children and your children and our grandchildren.

As we all know, the national debt has grown at a record pace in recent years. A large part of that has been a result of a downturn in the economy a decade ago and then during the last few years. But increased government spending has been a major factor too. Over the last few days, several Senators on the other side of the aisle have blamed Republican spending for the debt and asked why we did not pay for things when we were in charge. They have a point. I wish we would have spent less and paid for more of it when we were in charge. There are some votes I wish I could have back, and I am sure many of my colleagues on this side of the aisle feel the same way. But it is not fair to blame Republican spending for all the drastic increases in our national debt. Our side has not controlled the Congress for more than 3 years, and the current Congress is spending more and faster than ever before.

For example, last year, the majority pushed through a so-called stimulus bill, followed quickly by an omnibus spending bill that contributed to the government ending the year $1.4 trillion in the red, the largest 1-year deficit in the history of the United States of America.

Clearly, we are not headed in the right direction. I do not want to turn this into a partisan debate because it is not a partisan issue. I only make these points to show that neither side has clean hands, and what matters is we get our spending problems under control.

As every struggling family knows, we cannot solve a debt problem by spending more. We must get our debt problems under control, and there is no better time than now. That is why I have been down here demanding that this bill be paid for. I support the programs in the bill we are discussing, and if the extension of those programs were paid for, I would gladly support the bill.

The unemployment rate in my State is well over 10 percent right now. Many rural families get their television through satellite providers in Kentucky. More than half our State is bordered by rivers, and flood insurance is vital to the people who live near those borders and any of the major-minor rivers in the State. In fact, I wrote the law that enacted the current version of the Flood Insurance Program. I care about it deeply.

I am concerned about all the other programs in this bill as well, as is every other Member of this body. That is all the more reason to pay for this bill. If we cannot pay for a bill that all 100 Senators support, how can we tell the American people with a straight face that we will ever pay for anything? That is what Senators say they want, and that is what the American people want. They want us to get our budgets in order, just like they have to get their budgets in order every day. But that is not what the majority is doing.

Tonight, tomorrow, and on every spending bill in the future, we will see whether they mean business about controlling our debt or if it is just words. We will see if pay-go has any teeth.

Tonight, I am offering a substitute amendment that pays for these important programs with Democratic ideas. Tomorrow, I will offer amendments to the offset, the longer term extender bill that was on the floor earlier today. I will be back on future spending bills demanding that they be paid for so future generations of Americans will not be burdened with our overspending.

As I said, my amendment pays for this bill with Democratic ideas. The 10-year cost of extending these programs for 1 month is $10.26 billion. The offset I am offering will more than pay for this cost, and the offset should be familiar to many. It has been proposed by Senator BAUCUS in his substitute amendment to the long-term extension bill. It was also proposed in the Obama administration's budget.

The offset would prevent black liquor, which is a byproduct of the pulp and paper process, from being eligible for the cellulosic biofuels producer tax credit. This will save the Treasury almost $24 billion over 10 years, according to the Joint Tax Committee. As I said, this will more than pay for the cost of the bill, and there will be almost $14 billion left over.

Under the pay-go rules, that $14 billion will be available to be used to pay for the next bill Congress passes. I think we all expect that the next bill will be the long-term extension bill.

Some might say I am creating a $24 billion hole in the next bill by using that offset now. That is not true. First, we are removing over $10 billion in costs from that larger bill by enacting the 1-month extensions now, and we are also making $14 billion available for that bill.

Members on this side of the aisle, including myself, have offered and will offer ways to completely pay for the cost of that more expensive, longer term extension bill.

This pay-for is a proposal made by the majority, and I hope and expect every one of them to support my amendment. Anyone who does not should be prepared to answer why the Senate does not have to make the tough decisions to balance the government's budget while every American family does. We must bring an end to the out-of-control spending, and there is no better time than now.

I urge my colleagues to join me in saying enough and restoring some discipline to Washington. I urge everyone in this body to support this amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I rise in opposition to the Bunning amendment. The Senator from Kentucky has decided, after 1 week, to accept exactly what was offered to him last week.

Last week, we said to the Senator from Kentucky: If you want to come up with a pay-for for unemployment benefits and health care benefits, offer an amendment. You will have your chance on the floor.

The Senator from Kentucky said: No, because I may lose. Therefore, I am not going to offer the amendment. I will only object to moving forward with temporary benefits for unemployment insurance and health care and several other things, and I stand by my objection.

The Senator from Kentucky just came to the floor and found four different ways to blame the Democratic majority leader for his objection. He made the objection. I think he was the only Senator out of 100 who objected.

I don't question his motive or his sincerity, but I think, in all candor, let's understand where we are at this moment in time.

During this 1-week period of time while the Senator from Kentucky could have offered an amendment, he did not. As a result, on Sunday night, unemployment benefits were cut off for thousands of people across America, assistance for health care insurance cut off all across America, thousands of Federal employees were furloughed, Federal contracts for construction were suspended. Why? Because he did not want to offer the amendment he is offering tonight.

I am glad he is offering it, and I will tell you why I am going to oppose it. He knows and I know that if we do not pass this bill as it passed the House of Representatives, if we make a change in it, we are destined to send it over to the House to, at a minimum, wait several days or even longer for a conference committee to resolve his amendment. What happens to those unemployed people during that period of time? They don't receive checks.

Mr. President, 15,000 people in Illinois had their unemployment insurance cut off Sunday night because of Senator BUNNING's objection. In addition to that, thousands in my State lost the helping hand to pay for their health insurance. The Senator from Kentucky tonight is suggesting just take this little amendment; it will not hurt a thing; it is something you should like. While we mull over his change and move it between the House and the Senate, those people will continue to go without unemployment insurance and without health care assistance. Mr. President, 2,000 more each day are added to those rolls of unemployed people who are going to pay the price for this procedural move by the Senator.

I know there is also pain in his own State. I know many people are aware of the fact that there is high employment across the United States, millions of people who have lost their unemployment insurance. I know it has affected his State. I have seen the numbers.

As a result of the objection of the Senator from Kentucky, 4,300 unemployment insurance claimants will lose their unemployment insurance by March 13 if we do not complete action. What he has done tonight is to delay it. What is even worse about this amendment and the reason why it should be defeated is not just because it will once again delay unemployment benefits to people across America, it will once again create problems where people will lose their health insurance that they may never be able to obtain again because of preexisting conditions in their family.

What is worse, these Federal workers who cannot go to work are going to suspend construction projects that create jobs across America, while this Senator from Kentucky offers this amendment to change.

Let's look at the heart of this amendment. Where did the Senator from Kentucky come up with the resources to pay for this unemployment insurance? He came up with it from the bill that is pending on the floor, where these revenues are already being raised to pay for unemployment insurance. He is not reducing our deficit. In this situation, we have already taken this source of money and put it in the next bill related to unemployment insurance to defray the cost of unemployment insurance. He does not reduce the deficit. He just adds a procedural hurdle that delays the payment of unemployment insurance to people across America.

This could have been done last week. He was offered this chance last week. He would not take it last week. As a result, a lot of people have suffered and a lot of them have gone through hardship.

It is his right to do it as a Senator, but I think the reaction on the floor of the Senate—I might add from both sides of the aisle—is a demonstration that sometimes just because we have the power to do things, we ought to think twice before we use that power. I have the power to put a hold on every nomination this President or any President seeks. I have the power to object to any unanimous consent request that comes to the floor of the Senate. But people elect us not just to make political judgment but to make good judgment. In this case, the political judgment was made that the unemployed people involved were expendable, they could wait, wait for days, if not weeks, until we get around to a political debate about the deficit.

I am troubled, too, by the argument that the Senator believes he is one of the few stalwarts on the floor of the Senate when it comes to deficit reduction. The record suggests he has voted for two wars under President Bush that were not paid for, costing the United States almost $1 trillion, adding directly to our debt.

The Senator also has supported eliminating the estate tax on the richest people in America. Certainly, that is going to blow a hole in any budget and add to the deficit. The same was true with the Medicare prescription drug program. The Senator voted for that without paying for it, adding at least $40 billion to the deficit.

You know, those of us who have been here for a while have cast many votes—and my critics will find plenty of things to criticize about my voting record—but before I would come to the floor and stop unemployment insurance for people who are wondering where their next meal is coming from, I would think twice about saving that debate so that the victims aren't the most helpless people in America who have lost their job through no fault of their own.

I urge my colleagues, when this amendment comes for a vote later this evening, to think twice. If you vote with the Senator from Kentucky, who takes his revenue source from another bill that we will vote on tomorrow, you will delay the unemployment checks again. We will have come up with another excuse to say no.

The Senator from Kentucky has made it clear he doesn't believe unemployment compensation is an emergency need in America. I disagree. I think we are in an emergency situation in our economy. I have met with these unemployed people in my State and other States. These are desperate people. Some have been out of work for 2 years. They may lose everything before it is all over. I hope they don't. They are training for new jobs, they have exhausted their savings and are trying to keep their families together. A family

I read about today said they put everything they own in one of those storage lockers because they lost their home. They moved from homeless shelters to live in the back of their car. Is that an economic emergency? Maybe not to Members of the Senate, because our lives are pretty comfortable, but it is certainly an emergency for those families.

The real question in this debate is who are we are as a Nation? Do we care about these people, these breadwinners who are now down on their luck; these folks who have worked for years and are now out of work through no fault of their own, and doing everything they can legally to find a way to survive or is it just another political debate, another political issue, another chance to score a political point at the expense of some people who really aren't in a very strong position to defend themselves?

I just hope tonight we will defeat the Bunning amendment. Tomorrow, we will have a chance to put a substantial downpayment on unemployment benefits and COBRA benefits in the bill that Chairman BAUCUS brings to the floor. And I hope we understand that is the right way to do this. What an empty victory if we end up voting for the Bunning amendment and stop unemployment benefits as a result while we try to work out differences between the House and the Senate.

There is a lot more we can do here to help get this economy moving again. One of the things that holds us back is when we get embroiled in these procedural parliamentary tangles that eat up day after day and week after week, which leave us frustrated on the floor of the Senate and people across America angry that we aren't dealing with the real issues that count—issues such as creating jobs, issues such as making sure that there is affordable health care for everyone in this country. We should be dealing with that.

The Senator from Kentucky said: You know, the majority leader could have filed cloture, waited 48 hours, waited another 30 hours. Then we could have gone through the weekend. For what purpose? For what purpose? We have reached the point that was offered to the Senator from Kentucky from the start. He is going to get his vote, but a week has passed. A week has been wasted—a week where we should have rolled up our sleeves and done the things the people of America send us here to do.

What about the deficit and the debt? It is serious. The majority leader has asked me to serve on the deficit commission with Senators BAUCUS and CONRAD. It is a tough assignment. I don't think it is going to be easy to figure out how to deal with a $14 trillion debt in this Nation. But I will tell you this: We will do a lot better with that national debt if we have a strong national economy and people back to work. We will be a lot better off as a nation if families can keep their kids in school and folks can get up and go to work. This notion that we are somehow going to balance our national budget on the backs of unemployed people—please. Aren't we better than that as a nation? I think we are.

Twice last year the Senator from Kentucky voted to extend unemployment benefits without paying for them. Tonight, he insists we pay for them. Everybody is entitled to change their mind. When Abraham Lincoln—who was born in Kentucky, raised in Illinois—was accused by his critics, his President, of changing his mind, he said: Yes, I did change my mind. But I would rather be right some of the time than wrong all of the time. So we do change our minds on these issues. But let's not change our minds at the expense of innocent, helpless Americans who are looking for a helping hand.

If a tornado swept across the State of Kentucky in the weeks ahead, God forbid, and the Senator from Kentucky came and said we have an emergency on our hands, I would stand up to help him, as I believe he would if it happened to my State. We do that because we care for one another in this Nation. We may have political differences—and there have been plenty of them—but they shouldn't be at the expense of our basic need to deal with the problems that we face.

The Governor of Kentucky sent Senator BUNNING a letter and a copy to me. In the letter, he says:

> Facing an unemployment rate of 10.7 percent in Kentucky and 9.7 percent across the Nation, I urge you to allow passage of H.R. 4691, a vital extension of unemployment benefits to 1.2 million Americans, including tens of thousands right here in Kentucky.

The Governor of Kentucky, who wrote to Senator BUNNING, went on to say:

> There are 119,230 Kentuckians currently receiving benefits through the Federal extension program. Without a further extension, 14,206 claimants will exhaust all extension benefits within 2 weeks.

It would take us 2 weeks, if the Bunning amendment is adopted, to finally get this done, if we get it done in that period of time. The Governor went on to write:

> By the end of March, a total of 22,797 Kentuckians will exhaust their benefits; by mid-April 31,521 will exhaust their benefits; and by July 31, the remainder of those receiving benefits will exhaust them. Beyond the number of those receiving extension benefits, another 90,000 Kentuckians currently on unemployment insurance will not be eligible for the Federal extension program at all.
>
> These unemployed Kentuckians come from hard-working families that have struggled for months to find new employment in the greatest economic recession in our lifetime. They are mothers and fathers who are trying to put food on the table for their children and seniors who are trying to pay the rent.
>
> In addition to the extension of unemployment benefits, this bill also includes important extensions of Federal subsidies to pay health premiums for those unemployed people who lost health insurance when they lost their jobs, current Medicare payment rates for doctors, flood insurance, and small business loans.

The Governor closed his letter to Senator BUNNING, saying:

> I urge you to reverse your position on this bill and would welcome any opportunity to provide you with further information on its tremendous necessity.

It is signed: Sincerely, Steven L. Beshear, Governor of Kentucky.

That letter could have come from any Governor in our Nation. That is the employment picture and the economic picture in my State and so many States across the Nation.

Please, when we get down to these budget debates, we should be sensitive to the fact that there are helpless victims to some of the procedural moves made on the floor of the Senate. It is time for us to stick together—both parties, I hope—in an effort to stand up for the unemployed and get this economy back on its feet.

I urge my colleagues to defeat the Bunning amendment. It will only slow down the unemployment benefits these people have been waiting for and are worried that they may not receive. It will mean that more and more people will fall out of coverage and health insurance, and it will mean that Medicare services won't be available to seniors across the Nation when doctors decide they are not being reimbursed enough. Those are some of the basics in this bill.

The revenue source Senator BUNNING uses is included in this jobs bill that is before us, as soon as this matter is over. If you believe that in helping to pay for unemployment benefits we should use this source, as the Finance Committee has suggested, and I certainly agree with it, you will have ample opportunity to do that immediately after we pass this bill. In the meantime, let us waste no time, waste no effort in making sure that these needy people across America get the helping hand they deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 17 minutes 25 seconds.

Mr. BUNNING. I thank the Chair.

As the good Senator from Illinois knows, there is no need for a conference, since the House has already passed this bill and has already passed the language in this amendment. I am very sure that they would be willing to accept their own bill back and paid for.

He mentioned the fact that I objected four times. I objected more than four, but the majority leader objected four times to my request. That was nowhere in his statement.

And talking about Medicare Part D premiums and the cost of Medicare Part D, the majority party in this Senate has had 3 years to repeal Medicare Part D if it was a bad idea at the time we passed it. Certainly, with 60 full votes in the Senate, it could have repealed what they considered a bad bill. The fact it was not paid for was not to my liking. The fact that we were going

to take care of Medicare senior citizens who couldn't afford their prescription drugs took precedence.

He spoke about the letter from the Governor of Kentucky. I didn't receive it. I had no knowledge of the letter until it was brought up by the Senator from Illinois. It is amazing to me the number of misstatements, and how the Governor—a Democratic Governor of the Commonwealth—could bring all these facts out to the Senator from Illinois and not the Senator from Kentucky.

There are so many things that I can say, but I have, I guess, 11 constituent communications here—either phone calls or letters, usually e-mails—and I am going to read a couple of them because I want to reserve some time in case the Senator from Illinois gets up again.

This is from Randall in Bardstown, KY.

Just want to thank you for your principled stand against the squandering of our country's wealth. Yes, we need to help those out of work; but no, we do not want to print more money to do it. I have two sons on unemployment at this time, yet we realize we cannot continue to spend money that doesn't exist.

Thank you very much, Senator Bunning, for having the guts to stand up for your principles and oppose further spending of money we simply do not have. In particular, I am glad you stood up against extending unemployment benefits, which would put us further in debt. Regards.

That was from Bob in Burlington, KY. And here is another:

I just want to send you some encouragement to hold your ground in the Senate on renewing unemployment extension benefits. As a Kentucky taxpayer and a Federal taxpayer, I am tired of seeing unfunded and underfunded programs pass by Congress, and I am glad you are taking a stand. As an American and a Kentuckian, I believe the government has failed the American people almost totally, but at least in this instance you are not failing us. Please keep your resolve and don't let pressure and influence sway a good decision.

That was from William in Flemingsburg, KY.

I am surprised that you don't have more support when you are 100 percent correct; that if 100 men in agreement can't find a way to pay for a program, they will never pay for anything. Our deficit has got to stop, and now is always the best time to start. Thank you for standing up for us.

That was Mark from Independence, KY.

This will be the last one because I still have about three more pages of them:

Thank you for holding firm last night. You are very much appreciated for being willing to say no to extended benefits that no one knows how to pay for or who will foot the bill. It takes a very special individual to stand firm when everyone around you seems to be caving in.

That is from Debbie from Somerset, KY.

These are just a few. There are more. But there are a lot of really good people in the Commonwealth of Kentucky—4.2 million—who want their Senators, their Members of the House, to stand up for themselves. I appreciate hearing from each and every one of them. I thank them for their support.

I reserve the remainder of my time.

The PRESIDING OFFICER. The assistant majority leader.

Mr. DURBIN. Mr. President, I also received some e-mail and letters from Kentuckians. It is a great State. It is the ancestral home of many Durbins—one hailed from Sunfish, KY, which is a pretty tiny town, I am told, and came up north to Illinois. It is a beautiful State, and I have enjoyed visiting there many times.

A lady named Joy from Florence, KY, contacted me and said:

Hello, I am 50 years old and I got let go a year and a half ago from my job because I was getting older and they could pay less for the younger workers. . . .

Most places I applied to won't hire by experience—they want a college degree.

I have an elderly mother and handicapped child. I am behind in all my bills and if there is not another extension I will not be able to pay any bills. I am hoping you will put through another extension—hopefully things will improve come spring.

A letter from someone named J.R.—didn't give a hometown, said he is from Kentucky. I will not read some portions of this letter, but I will read this part:

I would like to say I am unemployed and [unemployment insurance] has allowed me to keep my home etc. There still are no jobs that will allow me to live on. I have . . . cut back to just the basic needs—the Internet next. And then I will start selling my belongings to get by.

I sit and wonder if everyone on unemployment gets cut off, do the Senate and Congress realize the war here in the United States will be worse than the one we are in overseas? There will be so much stealing and . . . no telling what else just for people to try and survive and feed their families.

God help us all.

There is a letter of desperation. It is an unimaginable scene that we would reach in any community here in this country in any State. But I think it reflects the fact that some people who write and say ''cut them off'' and ''so what'' are pretty fortunate people. They probably have a job. They probably have a home. They may not be worried about where their next meal is coming from. But for millions of Americans, that is not the story.

I understand the Senator from Kentucky sees this differently, but I take the issue of health insurance as an example. If you have ever had the experience as a parent having a sick child and having no health insurance, it is something you will never forget as long as you live. It happened to me when I was a law student. My wife and I were newly married, and we had no health insurance and a baby with a medical problem. I try to imagine what it would be like—ours was a temporary experience—what it would be like if that is what you had to face day-in and day-out, week-in and week-out, month after month, year after year. That is what these folks are up against. The only chance they have to hang on to health insurance is this COBRA program.

The COBRA program—let me add parenthetically, that was created through reconciliation. This process that has been condemned by some created the COBRA program and said we are going to provide health insurance for the unemployed people in America, and the President's stimulus package said we will help them pay for the premiums, and the objection of the Senator from Kentucky cut off those COBRA payments for thousands of people across America. I don't know what is going to happen now. I don't know, if some of them lost their health insurance and try to get it back, whether they are going to be denied coverage because of a preexisting condition. I hope that doesn't happen, but it will mean this was not just another political debate for them; it will mean they have lost the coverage which all of us want to have for all of our families.

COBRA coverage consumes nearly 84 percent of unemployment checks if you don't get a helping hand from the government. In Illinois, monthly unemployment benefits are just over $1,300. The average monthly COBRA family health insurance premium is over $1,100. So you can see it is impossible for a family with $1,300 a month to pay a $1,100-a-month premium. So 65 percent of that cost is deferred by this program, and that program was stopped because of the objection by the Senator from Kentucky.

He said we should have gone through the cloture votes; in other words, we should have faced his filibuster head-on and taken all the time it took to resolve our way through it. And each hour of each day that we did that, more and more people would fall out of coverage of health insurance. We don't. As Members of Congress, we have a pretty generous health insurance plan. We share it with all the other Federal employees, 8 million of us and our families. It gives us the very best coverage, with the government picking up about two-thirds or three-fourths of the cost. We don't have to worry about gaps in coverage. As we receive our checks, we are going to be able to protect our families. But for the folks who are unemployed, that just is not the case.

The objection of the Senator from Kentucky also affected, as I mentioned, transportation across the United States. Federal reimbursement to States for highway and transit projects, on the order of hundreds of millions of dollars each day, is stopped because of Senator BUNNING's objection, forcing halts in construction work and layoffs of construction workers in the middle of the worst economic downturn since the Great Depression.

Today, the Secretary of Transportation, Ray LaHood, called to tell me of the need for an urgent response to get these people back to work so they can inspect projects and folks working for contractors and working across

America can get back to work. They are stopped cold, dead in their tracks because of the objection by the Senator from Kentucky.

Now he wants to let this go on a little further—amend this bill; let's send it over to the House; let's see if they accept it; maybe they won't; maybe there will be a conference; maybe in a few days or a few weeks we can get it done. It is a 30-day extension, and it defeats its purpose if we accept this amendment and delay it because of those possibilities. He can no more guarantee that it will not happen than I can guarantee that it will, but why do we want to create that uncertainty for people who have been facing this uncertainty?

The objection of the Senator from Kentucky also stopped Small Business Administration assistance to small businesses in Illinois and Kentucky as well. The SBA has an outstanding loan waiting list from small businesses totaling $140 million. Because of Senator BUNNING's objection, 3,000 small businesses this month will be denied access to loans they need to run their businesses, to pay their employees, and to create new jobs. In the middle of a recession, can we think of a worse thing to do than to cut off small businesses?

It did not have to happen. If Senator BUNNING would have taken the offer he had last week from the majority leader and offered this amendment last week, we could have avoided all of this. A week later, he has decided: All right, I will take the offer. But a lot of people have paid the price in the meantime.

We will not stop until we have provided the assistance that unemployed Americans need, that families in Illinois and Kentucky and across America desperately want us to bring. Eventually, we will prevail and we will care for those who are struggling.

In the meantime, I urge my colleagues, please do not support the amendment of the Senator from Kentucky. It is, unfortunately, a way to delay this critically needed assistance even further.

I reserve the remainder of my time and yield the floor.

Madam President, before I do, I ask unanimous consent that the last 5 minutes on the Democratic side be reserved for the chairman of the Senate Finance Committee, Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered. I note that the Senator from Illinois has 5 minutes 30 seconds.

Mr. BUNNING. I want to object.

The PRESIDING OFFICER. Objection is heard.

Mr. BUNNING. I want to understand what the Senator has proposed in plain English.

Mr. DURBIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes 20 seconds.

Mr. DURBIN. I have asked unanimous consent that the last 5 minutes on the Democratic side be reserved for Senator BAUCUS, the chairman of the Senate Finance Committee.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. Reserving the right to object, what 5 minutes is he talking about—his time or the time that is already reserved for the chairman of the Finance Committee and the ranking member of the Finance Committee?

Mr. DURBIN. All the time of debate on your amendment has been equally divided between Democrats and Republicans. I am not asking for your time. I am asking that, on the Democratic time, the last 5 minutes be given to Senator BAUCUS.

Mr. BUNNING. So I understand, on the time that is reserved for the Senator from Montana and the Senator from Iowa?

Mr. DURBIN. Yes.

Mr. BUNNING. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. I yield whatever time the Senator from Alabama will consume.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, there is always an easy way to get something done in this body, and that is to spend money and not pay for it. And I am sure that gets a lot of Democratic votes and they could just pass this bill right through the body. I am sure our House Members, the majority in the House, will just pass this legislation and we will just add $10 billion more to the debt. That is what we are talking about.

Is this necessary? Senator BUNNING has made a number of suggestions about how this bill could be paid for. But it is not a question of delaying it, in my view; it is just simply a question of not wanting to use any of our existing moneys to pay for the extension of unemployment insurance. If we don't do that, if we don't pay for it, as we in the Senate are wont to say, then where does the money come from? We borrow it.

There is an interesting article in the Washington Times today, a front-page article talking about how much of our debt China owns. They say they own a good bit more of it than we have understood, that a lot of their money goes through other institutions, and then they buy U.S. Treasury bills, and really the amount owned by China is larger than we expect. Well, so be it. I don't know what that number is. But it is not healthy for the United States of America to incur the amount of debt we are now incurring. It is not healthy.

Just a few weeks ago, this very Senate, our Democratic majority, with great pride, passed the pay-go legislation saying that if we have additional expenditures, we will pay for it unless, of course, we deem it an emergency and we get a supermajority and then we don't have to pay for it.

Well, here we are just a few weeks later. We want to spend some more money to help out on unemployment insurance. I think that is a worthy goal, and I think it is something we need to do. But where do you get the money? I would suggest several places. Senator BUNNING has a place that I think my Democratic colleagues have supported—a tax credit account. I would say that has possibilities. I know he has also supported out of the unspent stimulus money—that could be a source of it.

But all of these things apparently are just being rejected. Why are they being rejected? I assume it is because my colleagues want to spend that money on something else, an additional new spending program that is not clear to us at this time; otherwise, why would there be an objection to it?

So I think the thing that has come to my mind is we can't keep going on like this. We really can't.

We just had a hearing in the Budget Committee. The witnesses—most of them were Democratically called witnesses, but every single one of them said we are on an unsustainable financial course. We are spending more money than we are taking in at an unprecedented amount each year and we cannot sustain it. At some point, we have to decide if we are going to stop. At some point, we are going to have to decide, just like our families, our cities, our counties, our States; they are having to decide they don't have the money, and they either can't borrow more or they don't want to borrow more. And they actually, amazingly, may even reduce spending for a while. Do you think those counties and cities and States are no longer going to exist? Will they fall off the face of the planet? Senator BUNNING has been around a long time. He knows that is not so. Every day, businesses are having to cut back. Families are cutting back. We can't cut back at all, but we continue to expend greater and greater amounts.

The basic budget for this year has discretionary spending, nonmandatory spending, which goes up about 10 percent. On top of that is the $800 billion stimulus package. All that is debt. The $800 billion, we had none of it in our accounts or our banks. We had to borrow it. Every penny of that we pay interest on. This will be $10 billion more.

Well, it is just $10 billion. After $800 billion, that is not very much, is it? Oh, yes, it is. Ten billion dollars is more than Alabama's State budget, and we are an average-sized State, about 4 or 5 million people. That is bigger than our State budget.

So one little whip—and Senator DURBIN, who is so eloquent, said: Well, we just need to pass it right now. We do not need to be talking about paying for it. If you say we want to pay for it, that might take an extra day to get the paperwork worked out with the House of Representatives. Somehow it is Senator BUNNING's fault that he has actually been asked to give his consent that this body would increase our debt by $10 billion and let this bill pass.

Senator BUNNING says: I am not going to do it. You asked my consent. I am a Member of the Senate. I have a right to give that consent. If I have a right to give it, I have a right to withhold it, and I am going to withhold it unless you pay for this bill. So I do not think that is anything that should subject him to criticism.

Oh, yes, it slowed down the plan. The plan was all greased. We were going to zip this right through, pop another $10 billion to the Nation's debt, and claim we have solved all our problems, at least for the moment.

But that is not a healthy approach. I think it is a healthy approach for someone with the gumption to stand and question what we are doing, to say: You have asked for my consent for something, I do not believe in it, and I am not going to give it. I think it is time for us to get on a more sound financial footing.

I just wish to say to Senator BUNNING, I respect the Senator's view on that. A lot of people do. I think it is interesting our colleagues like to quote letters from people in Kentucky, talking about that they are suffering as a result of unemployment and that is so painful.

But I am sure you got letters, as I have got letters. In my townhall meetings, people are coming up to me and saying: Are you people losing your minds? How much money do you think you can continue to spend? Time and time again, I hear that. Go through the airports: Keep fighting. Hold the line. Do not give in.

They are not talking about adding another $10 billion to the debt because we will not even slow down long enough to figure out how to pay for it. That is not what my constituents are telling me. I am sure they are not telling Senator BUNNING that. So I think this is a big deal.

So when are we going to end this process? When does it stop? I say the time to begin to stop is now. I am going to be supportive of Senator BUNNING in his plan. I feel this matter is getting out of hand.

As I explained the other night, I serve on the Budget Committee. The budget numbers are not in dispute. The budget proposed by President Obama, a 10-year budget, analyzed over 10 years by the Congressional Budget Office, would conclude this: Last year we paid, in 1 year, interest on our debt of $170 billion. According to the Congressional Budget Office, because we are tripling the national debt at the rate we are going, in 10 years the amount of interest we will pay on the debt is $799 billion.

I think the American people understand this is unacceptable. They do not need an accountant or an economist or a bureaucrat to tell them this is an unsustainable path. They know it is. They have known it is for some time. Some people say: Well, this is just a populist revival. They do not understand. We understand better. You have to borrow, borrow, borrow to make our economy go back.

Well, what an individual from Alabama told me today out in the hall was the same thing a constituent told me a few weeks ago back in Evergreen. It is, you cannot borrow your way out of debt. You cannot borrow your way out of debt. This is a fundamental principle of life. We seem to have lost sight of it.

So we are on a path that is unsustainable. We see what has happened in Greece. It is destabilizing the entire European Union or it threatens it. We have seen other countries get in the same kind of trouble. Our country is not very far behind.

Moody's is already talking about downgrading our debt rating, the amount of money you have to pay to get insurance against credit, against default against the U.S. government has tripled in the last few years. These are people who do this stuff for a profit. People are worried. So I would say to my friends and colleagues, it is not that complicated. We simply have to stop spending so much money. We have to stop spending so much money. We cannot do everything we would like to do. We do not have the money. Most people understand that in their lives, and most of our local governments understand that. But we in the Senate think we know better.

I would just say, with regard to the small business taxes and some of the things that probably would be somewhat helpful in creating economic growth, I am so disappointed we did not include more of that in the bill we passed when this stimulus bill passed. I remember coming to the floor quoting—right before the final vote—a major op-ed in the Wall Street Journal by a Nobel Prize laureate, Gary Becker, who said: This bill you are considering in the Senate does not have sufficient stimulative impact. He thought it would be much less than $1 per $1 in, and you should get well above $1 in a good stimulus package. He warned it was not going to be a job creator.

Senator MCCAIN had a better bill, at half the cost, $400 billion, targeted for jobs, targeted for economic growth, not a welfare bill, a stimulative bill, voted down by the Democratic majority.

Senator THUNE offered an amendment similar to the one Paul Ryan and others in the House of Representatives had put together, about half the cost of the bill we passed that would score, according to Christina Romer, President Obama's Chief Economic Adviser—her model of how you score these things would have created twice as many jobs for half as much money as this monstrosity we passed—others passed. My wife reminds me, do not say ''we'' when you voted against it.

So this is what we are now in. We have thrown out 400 or so billion, $400 billion not yet spent. It is not getting the impact we wanted. That is so tragic. For everybody who is unemployed today, they need to wonder why this Congress insisted on passing legislation we were warned would not be effective in creating jobs, which is the key to our economic growth and prosperity.

So I would say: I know good people can disagree. Some people think that when we are in a recession, we should keep spending, no matter how long, no matter how much, and somehow this will make us come out of it. But when you are creating an $800 billion-a-year interest payment, you realize it does not work that way.

If that was the way it worked, why did we not spend $1.6 trillion in the stimulus package instead of $800 billion? Why did we not spend $1,600 billion in stimulus rather than 800? Because obviously that is a philosophy that has its limits.

I thank the Chair and I yield the floor. I am proud to support the Senator from Kentucky.

Mr. LEVIN. Mr. President, I am relieved that we are preparing to vote on this much-needed measure. I am disappointed that we have taken so long to get to this point.

There is very little opposition in this Chamber to the extension of unemployment and COBRA benefits. Few question the crisis we would kick off in homes across this country if we fail to extend these benefits. In the State of Michigan, 135,000 of these workers face the end of their unemployment benefits. Each of these homes is already dealing with a tragedy—the loss of a job. In most cases, these are mothers and fathers who have done what we expect American families to do: work hard, do their best, try to put food on the table and a roof over their family's heads, and hopefully ensure a better life for their children. This quintessentially American quest has been derailed by forces totally outside the control of most of those affected.

This extension means more than help to workers out of a job. It means help for our entire economy. Economists tell us that payments such as unemployment benefits are the most efficient way we can increase growth in our still-struggling economy. An unemployment check is more than just help for a family. It means local grocery stores still have customers, that unemployed workers can continue paying their bills. The consequences of an extension of these benefits—or a decision not to extend them—will ripple throughout the economy.

But above all, we should keep in mind those families who are afraid: wondering, worrying, about what is going to happen. In their moment of crisis, we can choose to reach out a much-needed helping hand. Or we can turn away. To have delayed this extension has been needlessly cruel. We owe a duty to these families now, a duty not to compound the tragedy they already face.

The PRESIDING OFFICER. Who yields time?

Mr. BUNNING. How much time is left on our side?

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

There is 5 minutes 15 seconds remaining.

Mr. BUNNING. I reserve that time until the 10 minutes prior to the time expiring. In other words, the last 5 minutes is going to Senator BAUCUS. I reserve the time prior to the Baucus time. I ask unanimous consent to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, let me begin by addressing some of the arguments made by the other side of the aisle against my amendment. First, the Senator from Illinois said that this would cause a needless delay in extending these programs, potentially causing a protracted negotiation with the House. With all due respect, that is nonsense. We all know the House can act very quickly. In fact, they did so when they sent this bill, H.R. 4691, to us. The House has already passed my black liquor offset. I want everybody to understand that we pay for the extension of unemployment benefits, COBRA assistance, health care assistance so everybody is covered. The larger bill that we are dealing with on the floor, the one we took off the floor to address this amendment and this bill, also extends these provisions longer than just a month—the highway bill, the doc fix on Medicare, the small business loans that we heard about that we are destroying with our objections, and the rural satellite TV viewers.

I sincerely believe if we can't find $10 billion to pay for something that all 100 Senators support, we are in deep trouble. I think the Senator from Alabama made that very clear. I am on the Budget Committee also. I have heard those numbers over and over, not from just the Republican people who come before the Budget Committee but from the Democrats who testify before the committee. We are on an unsustainable path as far as the budget.

The question before the Senate is not whether Senators support unemployment benefits or all the other important things in this bill. The question is whether we as a Senate and as a government are going to pay for what we spend.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 1 minute 15 seconds.

Mr. BUNNING. I think everybody understands why I have been on this floor for so long. I have been here for 12 years and 12 years in the House. I don't think I have spent this much time on the floor in any one-week period in my life. Usually on the floor of the House you only get 2 minutes to say whatever you have to say. In the Senate you get as much time, usually, as you need. I have never needed this much time. But something so important, particularly after pay-go, and even the larger bill we have before us, $104 billion of the $108 billion expended in that bill is emergency spending. That is emergency spending that is not paid for. So when we get to the bigger bill, we will have some amendments for that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BEGICH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNATURE AUTHORIZATION

Mr. BEGICH. Mr. President, I ask unanimous consent that the majority leader be authorized to sign duly enrolled bills and joint resolutions during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. How much time remains?

The PRESIDING OFFICER. There is 55 seconds remaining.

Mrs. BOXER. I want to say, on behalf of many of us on this side of the aisle, how glad we are that Senator BUNNING has changed his mind and taken the option he was presented with on Thursday; that is, to offer an amendment and then for us to get this done. Too much pain is out there with the unemployed. A lot of workers in my State and in States all across this Nation who are unemployed suffered a great deal of anxiety over this long weekend.

Mr. President, 2,000 Department of Transportation inspectors were furloughed. That led to stoppage of work on bridge and highway construction in 17 States, because Senator BUNNING didn't take the deal he is taking now. I am glad he is taking it.

I raise a point of order that the pending Bunning amendment violates section 311 of the Congressional Budget Act.

Mr. BUNNING. Mr. President, I am sorry. I wasn't on the floor. Could the Senator make her point of order.

Mrs. BOXER. I raise a point of order that the pending Bunning amendment violates section 311 of the Congressional Budget Act.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I move to waive the applicable section of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON) and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 43, nays 53, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—43

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Feingold	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Thune
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lieberman	Wicker
Cornyn	Lincoln	
Crapo	Lugar	

NAYS—53

Akaka	Franken	Nelson (FL)
Baucus	Gillibrand	Pryor
Bayh	Hagan	Reed
Begich	Harkin	Reid
Bennet	Inouye	Rockefeller
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burris	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feinstein	Murray	

NOT VOTING—4

Byrd	Inhofe
Hutchison	Lautenberg

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the passage of the bill.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

The PRESIDING OFFICER. (Mrs. HAGAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 19, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—78

Akaka	Begich	Bond
Baucus	Bennet	Boxer
Bayh	Bingaman	Brown (MA)

Brown (OH)	Inouye	Nelson (FL)
Brownback	Isakson	Pryor
Burris	Johnson	Reed
Cantwell	Kaufman	Reid
Cardin	Kerry	Roberts
Carper	Klobuchar	Rockefeller
Casey	Kohl	Sanders
Chambliss	Kyl	Schumer
Cochran	Landrieu	Shaheen
Collins	Leahy	Shelby
Conrad	LeMieux	Snowe
Dodd	Levin	Specter
Dorgan	Lieberman	Stabenow
Durbin	Lincoln	Tester
Feingold	Lugar	Udall (CO)
Feinstein	McCain	Udall (NM)
Franken	McCaskill	Vitter
Gillibrand	Menendez	Voinovich
Graham	Merkley	Warner
Grassley	Mikulski	Webb
Hagan	Murkowski	Whitehouse
Harkin	Murray	Wicker
Inhofe	Nelson (NE)	Wyden

NAYS—19

Alexander	Cornyn	Johanns
Barrasso	Crapo	McConnell
Bennett	DeMint	Risch
Bunning	Ensign	Sessions
Burr	Enzi	Thune
Coburn	Gregg	
Corker	Hatch	

NOT VOTING—3

Byrd	Hutchison	Lautenberg

The bill (H.R. 4691) was passed.

Mr. DURBIN. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TAX EXTENDERS ACT OF 2009—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (H.R. 4213) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Pending:

Baucus amendment No. 3336, in the nature of a substitute.

Sessions amendment No. 3337 (to amendment No. 3336), to reduce the deficit by establishing discretionary spending caps.

Thune amendment No. 3338 (to amendment No. 3336), to create additional tax relief for businesses.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3335 TO AMENDMENT NO. 3336

Ms. LANDRIEU. Madam President, I know we have returned to H.R. 4213. It is my intention to call up amendment No. 3335, sponsored by myself, Senator COCHRAN, Senator WICKER, and Senator VITTER.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. VITTER, Mr. WICKER, and Mr. COCHRAN, proposes an amendment numbered 3335 to amendment No. 3336.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to extend the low-income housing credit rules for buildings in GO Zones)

After section 185, insert the following:

SEC. 186. EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I spoke at length about this amendment today, so it is not necessary for me to go into a great deal of detail. I offer it on behalf of several Senators from the gulf coast in order to help extend the placed-in-service state for several low-income housing units along the gulf coast. We are not asking for additional authority, we are not asking for new tax credits but just to allow us the tax credits that have already been allocated.

Without the State extension, we will lose literally thousands of affordable housing dwellings and approximately 13,000 jobs. Since we are focused on jobs and focused on economic growth and development, we thought this would be an appropriate amendment to this bill.

I have called up the amendment, and I will allow the leadership to decide when the appropriate time to vote on this amendment will be.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL PEACE CORPS WEEK

Mr. BYRD. Madam President, this week, March 1 through March 7, is National Peace Corps Week. It marks the 49th anniversary of this unique and important government agency.

When proposing the creation of the Peace Corps to Congress, President John F. Kennedy declared that, ''Our own freedom, and the future of freedom around the world, depends, in a very real sense, on the ability to build growing and independent nations where men can live in dignity, liberated from the bonds of hunger, ignorance, and poverty.''

For 49 years, nearly 200,000 dedicated Americans have served in 139 countries around the world helping developing nations with health and sanitation projects, assisting them in increasing their agricultural production, and educating their young. In pursuit of the Peace Corps goal of helping people help themselves, Peace Corps volunteers have served as school teachers, economic development advisers, agricultural and environmental specialists, and in various capacities as skilled laborers. Today, Peace Corps volunteers are working in countries around the world in emerging and essential areas such as information technology and business development.

In fulfilling the mission that President Kennedy established for it on March 1, 1961, the Peace Corps has become an enduring symbol of the American commitment to freedom through the encouragement of the social and economic progress of all nations. It is truly one of the most successful and influential programs in the history of our Nation.

Madam President, I use this opportunity, the 49th anniversary of the Peace Corps, to congratulate and to thank everyone ever involved in this program that provides such an important service to our country, as well as other nations, and to our fellow man.

CONGRATULATIONS TO VERMONT OLYMPIANS

Mr. LEAHY. Madam President, on a happier note, I see the distinguished Senator from Vermont, Senator SANDERS, on the floor today. I want to congratulate the Vermonters who represented our country at the Winter Olympics in Vancouver.

The Olympics themselves were exciting. I know Marcelle and I watched hours and hours of them. But we watched especially, obviously, when we saw some of these young Vermonters.

These athletes carry on a long tradition of Vermonters participating in the Winter Olympics. Hundreds of Vermonters have competed in the 21 Winter Olympiads, and it is no secret that Vermont produces great winter sports athletes, thanks to our northern climate, beautiful rugged terrain, and also a healthy sports industry.

After all, the first ski lift in the United States was a rope tow built in the town of Woodstock. I remember what a thrill it was when then-President Gerald Ford told me that the first ski lift he was on was on that ski lift in Woodstock. It is a nice memory of a wonderful person, President Gerald Ford.

Thanks to Jake Burton Carpenter and his wife Donna, Vermont is the cradle of snowboarding and it is now a central Olympic event. The Carpenters have worked so hard to make this a real sport, and they have. Our schools in ski areas have hosted dozens of international snowboarding, Alpine, and Nordic ski competitions.

Many Vermonters have won medals at the Winter Olympics over the years.

These champions include alpine skier Andrea Meade Lawrence from Rutland who was the first American to win two gold medals in 1952, Brattleboro's Bill Koch who was the first American nordic skier to medal in 1976, and alpine

skier Barbara Ann Cochran, slalom gold medalist in 1972.

The Cochran family is somewhat of an Olympic dynasty in its own right. Barbara Ann's sister Marilyn and brother Bob also competed in 1972 and her sister Lindy in 1976. Bob's son Jim raced in Saturday's slalom at his second Olympics. A member of the family is a member of my own staff and I cherish having him here.

There were 11 athletes in Vancouver this year who were born in Vermont or call Vermont home. Ten others attended high school or college in Vermont, we are going to take credit for them as well, and we are proud to do that.

Raised in Vermont are snowboarders Kelly Clark from West Dover, Lindsey Jacobellis from Stratton, Hannah Teter from Belmont and Ross Powers from Londonderry; alpine skiers Jimmy Cochran from Richmond, Nolan Kasper from Warren, and Chelsea Marshall from Pittsfield; nordic skiers Andy Newell from Shaftsbury, Liz Stephen from East Montpelier, Caitlin Compton from Warren; and freestyle skier Hannah Kearney from Norwich.

Vermont's colleges and universities, with a strong tradition of winter sports, have sent athletes, both instate and out-of-state, to numerous games. Jim Cochran is a UVM alum, along with biathlete Lowell Bailey, nordic skier Kris Freeman and hockey goalie Tim Thomas. Nordic skiers Simi Hamilton and Garrott Kuzzy are Middlebury College graduates.

Vermont's ski academies, private high schools that are dedicated to winter sports training, attract hundreds of kids from out of State every year, and have produced hundreds of Olympians. Liz Stephen and Nolan Kasper skied at Vancouver and are graduates of Burke Mountain Academy, which was the first ski academy in the country, founded in 1970. Other ski academy graduates competing in Vancouver are snowboarder Louie Vito who attended Stratton Mountain School along with Andy Newell and Ross Powers; freestyle skier Michael Morse of the Killington Mountain School; and biathlete Laura Spector and skiercross racers Paul Casey Puckett and Daron Rahlves who attended the Green Mountain Valley School along with Chelsea Marshall. Jim Cochran represented the Mount Mansfield Winter Academy, and Kelly Clark the Mount Snow Academy.

Of course, all of Vermont wants to give a special hearty congratulations to those whose efforts resulted in medals—Hannah Kearney won gold in the mogul competition.

I spoke with her the morning after. I told her I had seen her great smile on television that morning. She said I think it is going to take forever to get that smile off my face. The New York Times had a wonderful article showing Marty Candon driving her in a parade in Norwich this past weekend.

Hannah Teter and Kelly Clark won silver and bronze in the snowboard halfpipe. Our entire State is proud of your accomplishments on this international stage.

But I am proud of every Vermonter who was chosen for the Team. No matter what their results were, it has been a pleasure to watch them, and I know that each minute of competition we saw on television was preceded by hard work, sacrifice, dedication, and thousands of hours of training.

They have been great ambassadors for the United States, and fantastic role models to Vermont's kids. I say congratulations to all of them.

Finally, I want to take a moment to recognize two Vermonters who missed competing in Vancouver because of serious head injuries. Snowboarder Kevin Pearce of Norwich fell while training in Park City, UT, on December 31, and Cody Marshall, Chelsea's brother, of Pittsfield, an alpine slalom racer, was injured last summer. Both have come a long way since their injuries but have difficult recoveries ahead of them. I spoke with Kevin Pearce's mother Pia, and I know how the whole family has come together for him, just as Cody Marshall's family has come together for him. So I wish them and their families well, and I wanted them to know they are special inspirations to all of us. They are in all of our prayers and thoughts.

Vermont is a very small State—second smallest in the country—so it is almost like one big community in our sense of pride for these young people.

I see my distinguished colleague from Vermont on the floor. I yield to him.

Mr. SANDERS. I thank Senator LEAHY for yielding. There is not a lot more I can add to what he has already said.

As you well know, Vermont is a small State. We have 620,000 people—one of the smallest States in the country. But a lot of our young people grow up on the slopes of Vermont. They are involved in skiing and snowboarding from a very young age. My grandson is out there. He is 5. He is doing pretty well as a snowboarder. That is true all over the State.

I think people who have watched the extraordinary Olympics in Vancouver noted that a lot of the participants, a lot of the outstanding athletes came from the State of Vermont. The world watched as Hannah Kearney of Norwich won the first gold medal for the United States. She was closely followed in the women's snowboarding halfpipe when Vermont took both second and third place on the podium. That is quite a feat for a small State. Kelly Clark of West Dover brought home the bronze, and Hannah Teter of Belmont, the silver medal. This is an incredible feat when you consider that there were a total of just eight women on the U.S. snowboarding team; three of them were from the Green Mountain State and two of them were in the top three. That is pretty good under anybody's definition of success.

In true Vermont fashion, our Olympians bring more than talent, excellence, and commitment to their sports. They showed exemplary dedication to their communities. In other words, these men and women are more than just athletes; they are people who are concerned about the world in which they are living and the communities in which they live. When Hannah Teter took gold in the Torino games in 2006, she combined her prize money with proceeds from maple syrup sales to start a charity called ''Hannah's Gold'' which brings aid to a village in Kenya. That is what Hannah Teter did. Liz Stephen, a cross-country skier from East Montpelier, supports ''Fast and Female,'' a charity geared toward getting young girls involved in sports. Lindsey Jacobellis, a snowboarder from Stratton, VT, used her love of animals as motivation to get involved with the American Society for the Prevention of Cruelty to Animals. From charity efforts to hometown, family-owned restaurants, the impact of these outstanding individuals is felt by many.

The 11 athletes who are recognized today as Vermont Olympians are the following: in cross-country skiing, Caitlin Compton, Andy Newell; in Alpine skiing, Chelsea Marshall, Nolan Kasper, and Jimmy Cochran; in ski jumping, Nick Alexander; in freestyle skiing, gold medalist Hannah Kearney; and in snowboarding, silver medalist Hannah Teter, bronze medalist Kelly Clark, and Lindsey Jacobellis. It is with great pleasure that I congratulate these athletes on a spectacular job. The State of Vermont is very proud of you all.

TRIBUTE TO REVEREND JESSE SCOTT

Mr. REID. Madam President, I rise to acknowledge a respected voice and longstanding figure in the Las Vegas community; I rise to commend a leader of souls and a social advocate for civil rights and children for over 50 years; I rise to wish a happy 90th birthday to a man whom I and many in Las Vegas call their friend. I rise to honor Rev. Jesse Scott.

On March 3, 1920, Jesse Scott came into a world that is far different than what we see today. When I think of the challenges he and so many others have endured over the years, I am humbled by his strength, perseverance, and faith in God.

As a graduate of Southern University in Baton Rouge, LA, Reverend Scott has devoted his life to social justice. He was an organizer and president of the NAACP's Westside Branch in Los Angeles and later supervised the work of some thirty NAACP branches in southern California.

Eventually he came to Nevada, where he served as the executive director of the Las Vegas NAACP. Reverend Scott was on the front lines in efforts to move the city of Las Vegas through very challenging times. In fact he was

part of a major effort to integrate the hospitality and entertainment industry. Later, Reverend Scott was selected to serve as executive director of the Nevada Equal Rights Commission and authored an autobiography, ''Pioneer for Social Justice.''

Today, Reverend Scott is the assistant pastor at Second Baptist Church of Las Vegas and is the former pastor of Second Christian Church in Las Vegas. He is still carrying out his life's mission of social advocacy by working with Nevada's nonviolent ex-offenders to provide job training and employment. He also promotes education for children and is aligned with initiatives that help students graduate from high school and provide scholarships to college-bound young men and women.

Madam President, I ask the Senate to join me in paying tribute to Reverend Jesse Scott for his lifetime of service to Nevada and our Nation.

NOMINATION OF BARBARA KEENAN

Mr. DURBIN. Madam President, today the Senate confirmed Justice Barbara Keenan to be a judge on the U.S. Court of Appeals for the Fourth Circuit by a vote of 99–0. But the vote took place only after an unsuccessful Republican filibuster of her nomination.

This is just the latest example of the new low to which Republicans have sunk when it comes to the treatment of judicial nominations.

When the Democrats were in the minority under President Bush, we voted against cloture on a handful of his judicial nominees, but only the most controversial and only those for appellate court positions.

Under President Obama, Senate Republicans have filibustered and stalled almost every judicial nominee sent forward, regardless of the court and regardless of the controversy.

Take the case of Virginia State Supreme Court Justice Barbara Keenan. You would be hard pressed to come up with someone less controversial for this Fourth Circuit vacancy.

Justice Keenan had the strong support of her home State Senators, JIM WEBB and MARK WARNER. She sailed through the Senate Judiciary Committee without a single vote of opposition. She received the highest possible rating from the American Bar Association. And she will be the first woman from Virginia to sit on the Fourth Circuit.

Yet here we are—over 4 months after Justice Keenan was reported unanimously out of the Judiciary Committee—and the Republicans refused to agree to have an up-or-down vote on the Keenan nominee and forced the Democratic majority to waste time filing and voting on a cloture motion. They have used similar tactics with other judicial nominees.

Why are the Republicans making us jump through all these procedural hoops?

It is simple: the Republicans are trying to make us burn precious Senate floor time so we are unable able to work on pressing legislative business for the American people like job creation.

Justice Keenan had to wait 124 days between her Senate Judiciary Committee vote and her floor vote. Some other circuit court nominees of President Obama had to wait even longer than that. Fourth Circuit Judge Andre Davis was forced to wait 158 days—over five months—between his committee vote and his floor vote. Seventh Circuit Judge David Hamilton was forced to wait 168 days.

How does this compare with the treatment of President Bush's circuit court nominees?

Under President Bush, 61 judges were confirmed to the appellate courts. Their average wait time from committee vote to floor vote was a mere 29 days, according to statistics from the Congressional Research Service.

Justice Keenan was forced to wait over four times longer than the average Bush circuit court nominee who was confirmed.

This is part of a larger pattern of obstruction on judicial nominations. During President Obama's first year in office, due to Republican filibusters and holds, the Senate confirmed only 12 lower court judges. Only 12.

You have to go back to President Eisenhower to find a President who had so few judicial confirmations. President Eisenhower only had nine judicial confirmations during his first year in office. But President Eisenhower only made nine judicial nominations that year.

Every other President in the modern era had more judicial confirmations than President Obama during their first year in office.

President George W. Bush had 28, and that was with a Democratic Senate majority. President Clinton had 27, President George H.W. Bush had 15, President Reagan had 41, President Carter had 31, President Ford had 22, President Nixon had 25, President Johnson had 18, and President Kennedy had 56. But President Obama had only 12, due to unprecedented Republican obstruction.

Today is March 2. By this time in his Presidency, President George W. Bush had 39 judicial confirmations. And, it bears repeating, that was with a Democratic Senate majority. By contrast, President Obama has only 16 judicial confirmations, less than half as many as his predecessor.

There are 15 judicial nominations pending on the Senate floor. Most of them were approved in committee without a single vote of opposition. Yet, due to anonymous Republican holds, many have been waiting months and months for a vote.

This Republican obstructionism is unacceptable and it must be exposed.

WHEN DEFICITS BECOME DANGEROUS

Mr. KYL. Madam President, I recommend to my colleagues a February 11 Wall Street Journal column by Stanford economist Michael Boskin, entitled, ''When Deficits Become Dangerous.''

Boskin's premise is that the new taxes and ''enormous deficits and endless accumulation of debt'' in President Obama's budget will create a ripple effect of problems through our economy.

He explains that the debt will eventually force additional growth-smothering taxes: ''Such vast debt implies immense future tax increases. . . . It's hard to imagine a worse detriment to economic growth.''

Boskin also notes that ''so worrisome is this debt outlook that Moody's warns of a downgrade on U.S. Treasury bonds, and major global finance powers talk of ending the dollar's reign as the global reserve currency.'' He describes President Obama's budget as ''the most risky fiscal strategy in history.''

I ask unanimous consent that this article be printed in the RECORD, and urge my colleagues to consider the facts and arguments it contains.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHEN DEFICITS BECOME DANGEROUS—DEBT-TO-GDP RATIOS OVER 90 PERCENT HAVE SIGNIFICANT IMPACT ON THE PACE OF ECONOMIC GROWTH

(By Michael J. Boskin, Feb. 11, 2010)

President Barack Obama's 2011 budget lays out a stunningly expensive big-government spending agenda, mostly to be paid for years down the road. He proposes to increase capital gains, dividend, payroll, income and energy taxes. But the enormous deficits and endless accumulation of debt will eventually force growth-inhibiting income tax hikes, a national value-added tax similar to those in Europe, or severe inflation.

On average, in the first three years of the 10-year budget plan, federal spending rises by 4.4 percent of GDP. That's more than during President Lyndon Johnson's Great Society and Vietnam War buildup and President Ronald Reagan's defense buildup combined. In those same three years, spending on average hits the highest level in American history (25.1 percent of GDP), save the peak of World War II. The average deficit of $1.4 trillion (9.6 percent of GDP) is over three times the previous 2008 record.

Remarkably, President Obama will add more red ink in his first two years than President George W. Bush—berated by conservatives for his failure to control domestic spending and by liberals for the explosion of military spending in Iraq and Afghanistan—did in eight. In his first 15 months, Mr. Obama will raise the debt burden—the ratio of the national debt to GDP—by more than Reagan did in eight years.

Some specific proposals are laudable: permanently indexing the Alternative Minimum Tax for inflation, part of the increased R&D funding, reform of agriculture subsidies, a future freeze on one-sixth of the budget (only after it balloons for two years). But these are swamped by the huge expansion and centralization of government.

True, as he often reminds us, President Obama inherited a recession and fiscal mess. Much of the deficit is the natural and desirable result of the deep recession.

As tax revenues fall much more rapidly than income, these so-called automatic stabilizers cushioned the decline in after-tax income and helped natural business-cycle dynamics and monetary policy stabilize the economy. But Mr. Obama and Congress added hundreds of billions of dollars a year of ineffective ''stimulus'' spending—more accurately characterized as social engineering and pork—when far more effective, less expensive options were available.

The Obama 10-year budget—unprecedented in its spending, taxes, deficits and accumulation of debt—is by a large margin the most risky fiscal strategy in American history. In his Feb. 1 budget message, Mr. Obama said, ''We cannot continue to borrow against our children's future.'' But that is exactly what he proposes to do.

He projects a cumulative deficit of $11.5 trillion by 2020. That brings the publicly held debt (excluding debt held inside the government, e.g., Social Security) to 77 percent of GDP, and the gross debt to over 100 percent. Presidents Reagan and George W. Bush each ended their terms at about 40 percent.

The deficits are so large relative to GDP that the debt/GDP ratio keeps growing and then explodes as entitlement costs accelerate in subsequent decades. So worrisome is this debt outlook that Moody's warns of a downgrade on U.S. Treasury bonds, and major global finance powers talk of ending the dollar's reign as the global reserve currency.

Ken Rogoff of Harvard and Carmen Reinhart of Maryland have studied the impact of high levels of national debt on economic growth in the U.S. and around the world in the last two centuries. In a study presented last month at the annual meeting of the American Economic Association in Atlanta, they conclude that, so long as the gross debt-GDP ratio is relatively modest, 30 percent–90 percent of GDP, the negative growth impact of higher debt is likely to be modest as well.

But as it gets to 90 percent of GDP, there is a dramatic slowing of economic growth by at least one percentage point a year. The likely causes are expectations of much higher taxes, uncertainty over resolution of the unsustainable deficits, and higher interest rates curtailing capital investment.

The Obama budget takes the publicly held debt to 73 percent and the gross debt to 103 percent of GDP by 2015, over this precipice. The president's economists peg long-run growth potential at 2.5 percent per year, implying per capita growth of 1.7 percent. A decline of one percentage point would cut this annual growth rate by over half. That's eventually the difference between a strong economy that can project global power and a stagnant, ossified society.

Such vast debt implies immense future tax increases. Balancing the 2015 budget would require a 43 percent increase in everyone's income taxes that year. It's hard to imagine a worse detriment to economic growth.

Presidents and political parties used to propose paths to a balanced budget. After almost doubling it, Mr. Obama proposes to substitute stabilizing the debt/GDP ratio, a much weaker goal.

That goal requires balancing the budget excluding interest payments, the so-called primary budget. But he never achieves this, even after five and a half years of economic growth, withdrawal from Iraq and Afghanistan, and repaid financial bailouts. The 2015 budget still calls for a primary deficit of $181 billion.

For perspective, returning 2015 spending to population growth plus inflation produces a primary surplus of $645 billion (3.3 percent of GDP). Mr. Obama's spending turns a short-run crisis into a medium-term debacle.

Two factors greatly compound the risk from Mr. Obama's budget plan. He is running up this debt and current and future taxes just as the baby boomers are retiring and the entitlement cost problems are growing, which will necessitate major reform. (Mr. Obama didn't get any help from his predecessors: George W. Bush's growing Medicare prescription drug benefit was not funded, and Mr. Clinton's Social Security reform was a casualty of the Monica Lewinsky scandal.) And Mr. Obama's programs increase the fraction of people getting more money back from the government than the taxes they pay almost to 50 percent, just as the demographics on an aging population will drive it up further. That's an unhealthy political dynamic.

Former Senate Majority Leader Howard Baker famously called Reaganomics—with its defense buildup, tax cuts and budget deficits—a ''riverboat gamble.'' (Which, by the way, worked out well.) Mr. Obama's fiscal strategy is more akin to the voyage of the Titanic. Let's hope he changes course soon enough to prevent disaster.

HONORING OUR ARMED FORCES

LANCE CORPORAL JOSHUA BIRCHFIELD

Mr. BAYH. Madam President, I rise with a heavy heart to honor the life of Marine LCpl Joshua Birchfield from Westville, IN. Joshua was 24 years old when he lost his life on February 19 while serving in Afghanistan in support of Operation Enduring Freedom. He was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Twentynine Palms, CA.

Today, I join family and friends in mourning his death. Joshua will forever be remembered as a loving son and a friend to many. He is survived by his parents, Bruce Birchfield and Michelle ''Shelley'' Hacker; his grandmother, Frances Birchfield of La Porte; two sisters, Rachael and Emily Birchfield, both of Westville; his stepfather, Ron Hacker, stepgrandparents, Howard and Martha Hacker, and step-great-grandmother, Mary Dickinson, all of Westville; and countless family and friends who were privileged to know him.

Joshua was a Westville native. Prior to entering the service in 2008, Joshua graduated from Westville High School in 2004. A talented athlete, Joshua excelled at baseball in high school. Friends remember Joshua's contagious passion for life.

Joshua served as a rifleman and was awarded the Purple Heart, the Combat Action Ribbon, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Sea Service Deployment Ribbon, and the NATO Medal.

While we struggle to express our sorrow over this loss, we can take pride in the example Joshua set as a marine, a son, and a brother. Today and always he will be remembered by family, friends, and fellow Hoosiers as a true American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen marine, I recall President Lincoln's words to the families of soldiers who died at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

It is my sad duty to enter the name of Joshua Birchfield in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. I pray that Joshua's family finds comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Joshua.

CORPORAL GREGORY SCOTT STULTZ

Madam President, I further rise today with a heavy heart to honor the life of Marine Cpl Gregory Scott Stultz of Brazil, IN. Greg was 22 years old when he lost his life on February 19 while serving bravely in Afghanistan in support of Operation Enduring Freedom.

I join Greg's family and friends in mourning his death. Greg will be remembered as a loving son and a friend to many. He is survived by his mother Kim Stultz, and Kevin Jackson of Brazil; his father, Bill Stultz, Jr., of Spencer, IN; his brothers, Zach Stultz and Jeremiah Jackson of Brazil; his sisters, Jessie Stultz, Miriah Stultz, Haley Stultz, and Sienna Jackson, all of Brazil; and countless family and friends who were privileged to know him.

Greg was a Brazil native and graduated from Northview High School in 2006. He was a member of the football team and captain of the wrestling team, and his athletic talent allowed him to attend Rend Lake Junior College on a wrestling scholarship. Greg actively participated in ministry at House of Hope in Brazil alongside his father and his brother Zach.

Corporal Stultz entered the Marine Corps in November of 2007 and became a decorated Recon Marine. He was awarded the Sea Service Deployment Medal, the Global War on Terrorism Medal, the National Defense Medal, and a Meritorious Mast certificate for his outstanding service.

While we struggle to express our sorrow over this loss, we can take pride in the example Greg set as a marine, a son, and a brother. Today and always he will be remembered by family, friends and fellow Hoosiers as a true American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen marine, I recall President Lincoln's words to the families of soldiers who lost their lives at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The

brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

It is my sad duty to enter the name of Gregory Scott Stultz in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace.

I pray that Greg's family finds comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.''

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Greg.

SERGEANT JEREMY MCQUEARY

Madam President, I also rise with a heavy heart to honor the life of Marine Sgt Jeremy McQueary from Columbus, IN. Jeremy was 27 years old when he lost his life on February 19th in combat while serving in Afghanistan in support of Operation Enduring Freedom. He was assigned to the 2nd Combat Engineer Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

Today, I join family and friends in mourning his death. Jeremy will forever be remembered as a loving husband, father, son, brother and a friend to many. He is survived by his wife Rae McQueary of Brown County and their 5-month-old son Hadley as well as his mother, Deborah Kleinschmidt, his stepfather, David Kleinschmidt, and his sister Rebecca Willison.

Jeremy was a Columbus native. Prior to entering the Marine Corps in January 2002, Jeremy graduated from Columbus East High School. His mother said he loved fishing, four-wheeling and his family.

Jeremy earned a Purple Heart after surviving a roadside bomb attack in Iraq. He nonetheless chose to return to combat after the incident, which speaks volumes about his courage.

While we struggle to express our sorrow over this loss, we can take pride in the example Jeremy set as a marine, a husband, a father, a son, and a brother. Today and always he will be remembered by family, friends, and fellow Hoosiers as a true American hero. We cherish the legacy of his service and his life.

As I search for words to honor this fallen marine, I recall President Lincoln's words to the families of soldiers who died at Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.''

It is my sad duty to enter the name of Jeremy McQueary in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace.

I pray that Jeremy's family finds comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.'' May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jeremy.

DEMOCRACY IN AFRICA

Mr. FEINGOLD. Madam President, I would like to note the many challenges to democracy we are seeing across Africa today. I have long said that promoting and supporting democratic institutions should be a key tenet of our engagement with Africa, as good governance is essential to Africa's stability and its prosperity. Africans are well aware of this, and that is why we have seen spirited democratic movements throughout the continent, even against great odds. It is also why African leaders have committed at the African Union with the Declaration on Democracy, Political, Economic and Corporate Governance that they will work to enforce ''the right to participate in free, credible and democratic political processes.''

The previous administration spoke often about its commitment to promote democracy in Africa and throughout the world. The current administration, too, has committed to encourage strong and sustainable democratic governments, though it has rightly acknowledged that democracy is about more than holding elections. In his speech in Ghana, President Obama said:

> America will not seek to impose any system of government on any nation—the essential truth of democracy is that each nation determines its own destiny. What we will do is increase assistance for responsible individuals and institutions, with a focus on supporting good governance—on parliaments, which check abuses of power and ensure that opposition voices are heard; on the rule of law, which ensures the equal administration of justice; on civic participation, so that young people get involved . . .

I agree that we must take a more holistic approach in our efforts to promote and support democracy. Democracy is not just about a single event every few years; it is also about an ongoing process of governance that is accountable and responsive to the needs and will of citizens. And it is about citizens having the space, encouragement, and ability to educate themselves, mobilize, and participate in that process. We must help countries build such institutions and encourage such space, and we must be willing to speak out against erosions of democratic rights and freedoms—and not only once a country reaches a crisis point such as a coup.

While some African countries have made great democratic strides, I am concerned about the fragile state of democracy on the continent, especially within a number of countries set to hold elections over the next 15 months. In particular, I am concerned by the democratic backsliding in several countries that are close U.S. partners and influential regional actors. It is notable that the Director of National Intelligence included a section on ''stalled democratization'' in Africa in his public testimony last month to the Senate Intelligence Committee on annual threat assessments. He stated:

> The number of African states holding elections continues to grow although few have yet to develop strong, enduring democratic institutions and traditions. In many cases the 'winner-take-all' ethos predominates and risks exacerbating ethnic, regional, and political divisions.

Elections are only one component of the democratic process, but still they are a significant one. The pre- and post-elections periods in many countries are ones in which democratic space and institutions are most clearly tested and face the greatest strains. They can be the periods in which democracy is at its best, but they can also be the periods in which democracy faces some of its greatest threats. This is the case not only in Africa; this is the case here in the United States, and that is why I have worked tirelessly to limit the power of wealthy interests to unduly influence our elections.

Among those African countries scheduled to hold national elections in 2010 are Ethiopia, Sudan, Togo, Central African Republic, Burundi, Rwanda, Tanzania, and Burkina Faso. Guinea, Madagascar, and Niger, three countries that have recently had coups, have also committed to hold elections this year. And in early 2011, Benin, Djibouti, Uganda, Nigeria, and Chad are all scheduled to hold elections.

Of all these elections, Sudan's is already receiving significant attention, and for good reason. That election—the country's first multiparty one in 24 years—has the potential to be a historic step toward political transformation in Sudan if it is credible. However, restrictions on opposition parties and the continued insecurity in Darfur have many doubting whether the conditions even exist for credible elections. Furthermore, increasing violence within southern Sudan is very worrying. In any case, the results of Sudan's election in April will have a great influence on political dynamics within the country and region for years to come and will pave the way for southern Sudan's vote on self-determination, set for January 2011. The international community is rightly keeping a close eye on these elections, and we need to continue supporting efforts to make them credible and be prepared to speak out against any abuses or rigging.

Similarly, we need to keep a close eye on the other African countries holding important elections this year. Let me highlight four countries whose upcoming elections I believe also merit close attention and specific international engagement.

The first is Ethiopia, which is set to hold elections in May. In his testimony, the Director of National Intelligence stated:

In Ethiopia, Prime Minister Meles and his party appear intent on preventing a repeat of the relatively open 2005 election which produced a strong opposition showing.

Indeed, in Ethiopia, democratic space has been diminishing steadily since 2005. Over the last 2 years, the Ethiopian Parliament has passed several new laws granting broad discretionary powers to the government to arrest opponents. One such law, the Charities and Societies Proclamation, imposes direct government controls over civil society and bars any civil society group receiving more than 10 percent of its funding from international sources to do work related to human rights, gender equality, the rights, of the disabled, children's rights, or conflict resolution. Another law, the Anti-Terrorism Proclamation, defines terrorism-related crimes so broadly that they could extend to nonviolent forms of political dissent and protest.

Ethiopia is an important partner of the United States and we share many interests. We currently provide hundreds of millions of dollars in aid annually to Ethiopia. That is why I have been so concerned and outspoken about these repressive measures, and that is why I believe we have a stake in ensuring that Ethiopia's democratic process moves forward, not backward. With the elections just 3 months away, several key opposition leaders remain imprisoned, most notably Birtukan Mideksa, the head of the Unity for Democracy and Justice Party. There is no way that elections can be fair, let alone credible, with opposition leaders in jail or unable to campaign freely. At the bare minimum, the international community should push for the release of these political prisoners ahead of the elections. If nothing changes, we should not be afraid to stand with the Ethiopian people and state clearly that an election in name only is an affront to their country's democratic aspirations.

The second country I want to highlight is Burundi. As many people will recall, Burundi was devastated by political violence throughout the 1990s, leaving over 100,000 people dead. Yet the country has made tremendous strides in recent years to recover and rebuild from its civil war. In 2005, it held multiparty national and local elections, a major milestone on its transition to peace. Burundians are set to head to the polls again this year. If these elections are fair, free, and peaceful, they have the potential to be another milestone along the path toward reconciliation, lasting stability, and democratic institutions. This would be good not only for Burundi but also for the whole of Central Africa. Burundians deserve international support and encouragement as they strive for that goal.

Still, many challenges remain. The tensions that fed and were fueled by Burundi's civil war have not entirely gone away. And there is some evidence that the parties continue to use the tools of war to pursue their political goals. According to a report by the International Crisis Group last month, ''opposition parties are facing harassment and intimidation from police and the ruling party's youth wing and appear to be choosing to respond to violence with violence.'' Furthermore, there continue to be reports that the National Intelligence Service is being used by the ruling party to destabilize the opposition. If these trends continue, they could taint Burundi's elections and set back its peace process. The international community, which has played a big role in Burundi's peace process, cannot wait until a month before the election to speak out and engage the parties these issues. We need to do it now.

Burundi's neighbor to the north, Rwanda, is also slated to hold important elections this summer. Rwanda is another country that has come a long way. Since the genocide in 1994, the government and people of Rwanda have made impressive accomplishments in rebuilding the country and improving basic services. It is notable that Rwanda was the top reformer worldwide in the 2010 World Bank's ''Doing Business Report.'' President Kagame has shown commendable and creative leadership in this respect. On the democratic front, however, Rwanda still has a long way to go.

Understandably there are real challenges to fostering democracy some 15 years after the genocide, but it is troubling that there is not more space within Rwanda for criticism and opposition voices. The State Department's 2008 Human Rights Report for Rwanda stated, ''There continued to be limits on freedom of speech and of association, and restrictions on the press increased.'' With elections looming, there are now some reports that opposition party members in Rwanda are facing increasing threats and harassment. The international community should not shy away from pushing for greater democratic space in Rwanda, which is critical for the country's lasting stability. We fail to be true friends to the Rwandan people if we do not stand with them in the fight against renewed abuse of civil and political rights. In the next few months in the runup to the elections, it is a key time for international donors to raise these issues with Kigali.

Finally, I would like to talk about Uganda, which is set to hold elections in February 2011. Uganda, like Rwanda, is a close friend of the United States, and we have worked together on many joint initiatives over recent years. President Museveni deserves credit for his leadership on many issues both within the country and the wider region. However, at the same time, Museveni's legacy has been tainted by his failure to allow democracy to take hold in Uganda. Uganda's most recent elections have been hurt by reports of fraud, intimidation, and politically motivated prosecutions of opposition candidates. The Director of National Intelligence stated in his testimony that Uganda remains essentially a ''one-party state'' and said the government ''is not undertaking democratic reforms in advance of the elections scheduled for 2011.''

Uganda's elections next year could be a defining moment for the country and will have ramifications for the country's long-term stability. The riots in Buganda last September showed that regional and ethnic tensions remain strong in many parts of the country. Therefore, it is important that the United States and other friends of Uganda work with that country's leaders to ensure critical electoral reforms are enacted. In the consolidated appropriations act that passed in December, Congress provided significant assistance for Uganda but also specifically directed the Secretary of State ''to closely monitor preparations for the 2011 elections in Uganda and to actively promote . . . the independence of the election commission; the need for an accurate and verifiable voter registry; the announcement and posting of results at the polling stations; the freedom of movement and assembly and a process free of intimidation; freedom of the media; and the security and protection of candidates.''

Madam President, again these challenges are not unique to Africa. Here in the United States, we too have to work constantly to ensure the integrity of our elections and our democratic processes. But I believe these upcoming elections in a number of African states could have major ramifications for the overall trajectory of democracy on the continent as well as for issues of regional security. I also believe several of these elections could significantly impact U.S. policy and strategic partnerships on the continent. For that reason, I do not believe we can wait until weeks or days before these elections to start focusing on them. We need to start engaging well in advance and helping to pave the way for truly democratic institutions and the consolidation of democracy. This includes aligning with democratic actors that speak out against repressive measures that erode political and civil rights. The Obama administration has done this well in some cases, but we need to do it more consistently and effectively. In the coming months, I hope to work with the administration to ensure we have a clear policy and the resources to that end.

HUMAN RIGHTS

Mr. FEINGOLD. Madam President, although I know the Obama administration strongly supports human rights and adherence to the rule of law around the world, I have been struck by several very public examples where this important issue has gotten short

shrift—most notably in senior State Department meetings with foreign governments. Perhaps the starkest example was the Secretary of State's visit to China last year, where she said that U.S. efforts to advance human rights ''can't interfere on the global economic crisis, the global climate change crisis and the security crisis.''

Since joining Congress in 1993, I have emphasized that human rights must be at the center of our foreign policy. The Obama administration shares this view, but I remain troubled that in certain instances human rights continue to take a back seat to other competing concerns deemed more pressing. As we seek to address the many crises we face both at home and around the world, we cannot afford to miss—or avoid—opportunities to raise human rights concerns. I do not believe quiet tradeoffs are necessary or consistent with the principles for which the United States stands. Moreover, whatever the perceived short-term benefit of remaining quiet when human rights are being undermined, there is often a long-term cost to us. Our commitment to and enforcement of international human rights standards is part of our strength—when they are called into question, our own national security is undermined.

Human rights, good governance and the rule of law are important not only in their own right, but also for the positive contributions they can provide to our efforts on counterterrorism, stability, and development. As we continue the fight against al-Qaeda and its affiliates, a robust human rights agenda that is deeply intertwined with our broader national security goals will help us achieve our counterterrorism objectives. At the same time, our counterterrorism policies and those of our partners must respect basic, fundamental rights in order to be truly effective.

Developing a coherent and effective foreign policy that successfully incorporates trade, security, and human rights concerns is no easy task. But we cannot further perpetuate the current imbalance by remaining silent on critical human rights concerns. Silence speaks volumes and gives a free pass to those who commit such abuses, as well as those who might commit them in the future. We must voice our concerns loudly and consistently as we seek to build global partnerships rooted in policies that incorporate good governance, the rule of law, and human rights alongside our economic and security priorities. By downplaying the former in order to focus on the latter, the administration risks weakening a key pillar of American strength.

RECOGNIZING THE LEAGUE OF WOMEN VOTERS

Ms. MIKULSKI. Madam President, today I wish to commend and congratulate the League of Women Voters, in honor of the league's 90th anniversary. This nonpartisan political organization encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

The League of Women Voters was founded by Carrie Chapman Catt in 1920—just 6 months before the 19th amendment to the U.S. Constitution was ratified, giving women the right to vote after a 72-year struggle. It was designed to help 20 million women carry out their new responsibilities as voters. It encouraged them to use their new power to participate in shaping public policy. Today, there are 900 State and local Leagues in all 50 States.

While the league neither supports nor opposes candidates for office at any level of government, it works to influence policy through advocacy on issues such as voting rights, health care reform, global climate change, and election administration. This grassroots citizen network is directed by the consensus of its members nationwide.

In honoring the league, we commemorate the past achievements of women and highlight the successes of women today. From the suffragists who founded the league 90 years ago to the incredible women who work today to improve our communities and our country as elected officials and as volunteers, the league's women are making a profound and lasting civic impact. I wish the League of Women Voters continued success as they bring more women into the political arena as candidates, informed voters and advocates.

RECOGNIZING VIRIGINIA TASK FORCES ONE AND TWO

Mr. WARNER. Madam President, I rise today to commend the efforts of Virginia Task Forces One and Two on their recent deployment to Haiti. Their combined efforts in the immediate aftermath of the devastating earthquake resulted in the successful rescue of 19 men, women, and children.

These teams are made up of over 150 firefighters, physicians, and structural engineers from Fairfax and Virginia Beach, VA.

Both teams were manned and ready within 24 hours of the call for help. That included preparing and staging over 100 tons of cargo and gear for airlift to Haiti.

One of the rescues involved Jens Christensen, a United Nations worker from Denmark who was trapped in the United Nations compound. The teams worked for over 8 hours to free him, and kept him alive by inserting a feeding tube through the rubble to provide him water during the rescue.

Acting on a tip from local residents, the team also rescued two children, ''Kiki and Sabrina,'' almost a full week after the earthquake. These two Haitian girls were still alive in a building no one had previously searched.

Another woman was rescued from the rubble of a collapsed market, and the team was able to provide paramedics and physicians to treat her on site and stabilize the woman for transport to a local hospital.

These teams leveraged their countless hours of training to hit the ground running at full speed. They have extensive international and domestic disaster response experience, and are recognized throughout the United States and the world as leaders in readiness, response and recovery techniques.

This is an important capability—and just yesterday I understand the teams were put on ready alert to potentially deploy again, this time to Chile to help with search and rescue efforts.

Please join me in commending the heroic and humanitarian efforts of Virginia Task Force One and Virginia Task Force Two.

I offer sincere thanks to all the team members, support personnel, and the families of these brave men and women.

ADDITIONAL STATEMENTS

TRIBUTE TO MARY SCOTT

● Mr. CARPER. Madam President, today I wish to recognize Mrs. Mary Scott, former Smyrna School District superintendent, whom I have been privileged to know for the past two decades. A role model of integrity, Mrs. Scott served the Smyrna School District in a series of roles of increasing responsibility from 1965 until July 1998, when she retired as the district's superintendent.

Born and in Wilmington, DE, Mrs. Scott attended public school until she was 10. When her family moved to Smyrna, a town some 40 miles south of Wilmington, she attended a two-room school there that housed grades 1 through 8 before attending the Booker T. Washington Elementary School in Dover for grades 9 and 10. Mary Scott graduated from the laboratory high school for students in grades 11 and 12 that was located on the campus of Delaware State College, now Delaware State University. Four years later, Mrs. Scott graduated from Delaware State College with a bachelor of arts degree in English and a minor in biology, after which she went on to receive her masters of arts degree in psychology from Washington College in Chestertown, MD.

The first minority educator to join faculty of the Smyrna District, Mrs. Scott began her career as an English teacher at Smyrna High School, the home of the Eagles. Later, she served the district as assistant to the president and as human relations counselor at the high school until 1978 when she became director of the Title 1 Program and supervisor of the Early Childhood Education Center, serving in that capacity until 1985. Next, she was appointed principal of North Elementary School and held that position until her promotion to the district's supervisor

of education in 1988. Finally, from 1991 to 1994, Mary Scott served as the district's assistant superintendent until her appointment as the superintendent of schools in the Smyrna District in October of 1994. She was the first African-American to serve in that role in that district.

The Smyrna School District has served the towns of Smyrna and Clayton in Kent County for more than 125 years and currently includes more than 4,800 students in central Delaware.

The core values of the district include compassion, perseverance, respect, responsibility, and integrity. At the recent ''I Love Smyrna School District Day,'' Mrs. Scott was honored as a role model of integrity. The Smyrna District community committee defines integrity as ''being honest, fair, good, and trustworthy.'' Mary Scott is the epitome of all of these things and more. A person of deep faith, Mary believes in giving back to her community, her church, and her State and has been recognized for her service to education by numerous educational, civic, and religious organizations. On top of all this, Mrs. Scott has been married to William L. Scott, a retired probation and parole officer, for 56 years. They are parents to 3 children, Sheldon, Jeffrey, and Rachel, grandparents to five, and great-grandparents to two.

Through her tireless efforts over a third of a century, Mary Scott has made a profound difference in the lives of thousands of students in the Smyrna District—many of whom remain dedicated and committed alumni of the district. Mrs. Scott leaves a legacy of commitment to public service for her children, grandchildren, students, and for the rest of us to follow. On behalf of all who have benefited from her tireless and enlightened leadership, I thank her for her commitment to educating every child and for the inspiration she provides through a lifetime of caring.

On behalf of all Delawareans, I congratulate her on being honored for her service and extend to her my very best wishes for every success in the future.●

REMEMBERING DR. DON C. GARRISON

● Mr. GRAHAM. Madam President, I would like to pay tribute to the life of Dr. Don C. Garrison of Easley, SC. On February 27, 2010, South Carolina lost a true visionary and leader who dedicated almost half of his life to improving higher education.

For more than three decades, Dr. Garrison devoted himself to nurturing and developing Tri-County Technical College, one of the largest community and technical colleges in South Carolina. In 1971, Dr. Garrison took over as president of Tri-County, which at the time was a rural technical school. During his tenure as president, Dr. Garrison expanded this institution to become one of the State's largest community colleges, providing degrees, diplomas, and certificate programs in a variety of subject areas.

Under his tutelage, Tri-County has become an exemplary 2-year technical institution that educates students across Pickens, Anderson and Oconee Counties. Dr. Garrison worked tirelessly to improve the lives of many South Carolinians and used his unique position to advocate for technical education.

Dr. Garrison was one of the early pioneers of technical schools in South Carolina, which quickly transformed South Carolina's economy. South Carolina's technical schools have always been some of the highest performing schools in the nation, much to do with the leadership of Dr. Garrison. He was an optimist by nature, who always tried to find a way forward, no matter how difficult the problem. The people of South Carolina were well served by his leadership and vision.

Dr. Garrison will be remembered as a passionate educator, a steadfast advocate of education, and for the tremendous contributions he has made to countless members of our community. His legacy will be carried on by the many lives that he influenced. I truly admire his dedication to his students and to the State of South Carolina.

In his final commencement speech, Dr. Garrison told the graduating class, ''The key to success in life is attaching yourself to a cause that is greater than yourself.'' Dr. Garrison was a shining example of this very statement. I was truly saddened to hear of the passing of Dr. Don Garrison and I want to take this opportunity to send my condolences to his wife Carol, his family, and friends. I also want to express my sincere appreciation for his long service to the State of South Carolina.●

TRIBUTE TO SANDI SANDERS

● Mrs. LINCOLN. Madam President, today I recognize Sandi Sanders of Fort Smith, AR, for her leadership on the U.S. Marshals Service National Museum to be located in Fort Smith. Because of her efforts, Sandi will be honored during a ''Salute to Sandi'' event hosted by the museum later this month.

In January 2007, Fort Smith was given a highly sought after opportunity: designation as the site for a national museum, the U.S. Marshals Museum. As the oldest Federal law enforcement agency in the Nation, the U.S. Marshals Service reflects the history of the United States. Throughout their 219-year history, U.S. marshals and deputy marshals have been involved in many of the Nation's most historic events. Within the history of the Service are powerful stories that touch and inspire all people.

Sandi's involvement with the museum dates back to 2007, when she was named director. She has worked tirelessly to create a museum that will educate all visitors about the history, values, and dedicated individuals of the U.S. Marshals Service. Although she no longer serves as director, Sandi has remained an integral part of the Nation's U.S. Marshals Museum.

Madam President, I salute Sandi and all of the residents of Fort Smith for their dedication and commitment to this project. The entire community of Fort Smith should be proud of its efforts to bring the U.S. Marshals Museum home where it belongs.●

TRIBUTE TO COLONEL ROBERT L. HOWARD

● Mr. SESSIONS. Madam President, today I pay tribute to COL Robert L. Howard. Colonel Howard grew up in Opelika, AL, and enlisted in the U.S. Army in 1956 at age 17. He retired as a full Colonel in 1992 after 36 years service. After retiring, Howard worked for the Department of Veterans Affairs. During Vietnam, he served in the U.S. Army Special Forces, Green Berets, and spent most of his five tours in the secret Military Assistance Command Vietnam Studies and Observations Group, also known as Special Operations Group, which ran classified cross-border operations into Laos, Cambodia, and North Vietnam.

These men carried out some of the most daring and dangerous missions ever conducted by the U.S. military. The understrength 60-man recon company at Kontum in which he served was the Vietnam war's most highly decorated unit of its size with five Medals of Honor. It was for his actions while serving on a mission to rescue a fellow soldier in Cambodia that he was submitted for the third time for the Medal of Honor for his extraordinary heroism. Colonel Howard was a sergeant first class in the Army's Special Forces on Dec. 30, 1968, when he rallied a badly shot-up platoon against an estimated 250 enemy troops. Despite being unable to walk because of injuries, he coordinated a counterattack while aiding the wounded and was the last man to board a helicopter, according to military records.

He served five tours in Vietnam and is the only soldier in our Nation's history to be nominated for the Congressional Medal of Honor three times for three separate actions within a 13-month period. He received a direct appointment from master sergeant to first lieutenant in 1969 and was awarded the Medal of Honor by President Richard M. Nixon at the White House in 1971. His other awards for valor include two awards of the Distinguished Service Cross, the Silver Star, the Defense Superior Service Medal, four awards of the Legion of Merit, four Bronze Star Medals and eight Purple Hearts. He was wounded 14 times while serving in Vietnam.

Colonel Howard, 70, died at a hospice in Waco, where he had been for about 3 weeks, suffering from pancreatic cancer. He was buried in Arlington on February 22, 2010. Colonel Howard is survived by his son, Army SGT Robert

Howard, Jr., and daughters Melissa Gentsch, Rosslyn Howard, and Denicia Howard; and four grandchildren. I was also pleased to meet his brother Steve Howard, 6 years younger, who also volunteered at age 17. In an annual event, Steve was able to serve with his brother on one of his tours in Vietnam. It was wonderfully clear to one how much affection and respect Steve had for his big brother.

So, Madam President, it is my honor to pay tribute to this great Alabamian and, most of all, this great American. He, like so many today, went into harm's way, a courageous patriot, to effect the decided military positions of the United States. It is on the actions of such men that our liberty and prosperity depend. I am humbled to have the opportunity to express my appreciation for Colonel Howard's heroic and superb service to this country.●

RECOGNIZING GRANT COUNTY, OREGON

● Mr. WYDEN. Madam President, I would like to take a moment to praise the courage and commitment of a small community in Oregon.

Grant County is home to just 7,500 people. It is located in rural eastern Oregon. The county is larger than some States. With majestic mountains, rivers, and valleys, its beauty is unprecedented. Those who live there are proud of their home. They work hard and they watch out for each other. Last month, they proved it in a way that should make everyone proud to be an American.

A few weeks ago, a man came to town calling himself the national director of the Aryan Nations, one of the most infamous hate groups in America. He declared that he was looking for a place for a national headquarters and that Grant County would be perfect. Amazingly, he said the values of his organization and the values of Grant County were the same.

He couldn't have been more wrong.

Since the local newspaper, the Blue Mountain Eagle, reported on his visit, Grant County has risen as one to show this man that there is no way that their home is going to be the headquarters for hate.

To express their outrage, the residents of Grant County stood on street corners in the city of John Day waving flags and holding signs making it clear that the Aryan Nations was not welcome. The people of Grant County stood together in supporting diversity and tolerance in their community. All over the county, green ribbons symbolizing their support for equality streamed from car antennas, hung from fences, and pinned proudly to their clothes. Signs are in businesses and homes. Cars are emblazoned with messages of support for their community and opposition to hatred.

More than 1,000 people jammed into two public meetings held on February 26. They were there to learn how to make sure the Aryan Nations would not succeed. There were so many that the meeting room couldn't hold them all. You know there is something special going on when one out of every six residents of a small rural county comes, to learn how to protect their community from a group who would destroy it. Since then, the Grant County Human Rights Coalition has been formed. It is a remarkable group of people, all working to make their home a better place.

The people of Grant County have shown us all what a community looks like. As an Oregonian and as their U.S. Senator, I could not be more proud of them.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 8:11 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1299. An act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

ENROLLED BILL SIGNED

At 9:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4691. An act to provide a temporary extension of certain programs, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4826. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Registration, Five Year Terms'' (RIN0580–AB03) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4827. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Eligibility and Certification Provisions of the Farm Security and Rural Investment Act of 2002'' (RIN0584–AD30) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4828. A communication from the Acting Director of the Legislative Affairs Division, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Technical Service Provider Assistance'' ((7 CFR Part 652) (RIN0578–AA48)) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4829. A communication from the Acting Director of the Legislative Affairs Division, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Healthy Forests Reserve Program'' ((7 CFR Part 652) (RIN0578–AA52)) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4830. A communication from the Acting Director of the Legislative Affairs Division, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Compliance with the National Environmental Policy Act'' ((7 CFR Part 650) (RIN0578–AA55)) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4831. A communication from the Acting Director of the Legislative Affairs Division, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agricultural Management Assistance Program'' ((7 CFR Part 1465) (RIN0578–AA50)) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4832. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Trichoderma asperellum strain ICC 012; Exemption from the Requirement of a Tolerance'' (FRL No. 8800–9) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4833. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''1,2,3-Propanetriol, Homopolymer Diisooctadecanoate; Exemption from the Requirement of a Tolerance'' (FRL No. 8813–8) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4834. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the assignment of women to submarines; to the Committee on Armed Services.

EC–4835. A communication from the Chairman and President of the Export-Import

Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–4836. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Turkey; to the Committee on Banking, Housing, and Urban Affairs.

EC–4837. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to the Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–4838. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Money Market Fund Reform'' (RIN3235–AK33) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4839. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendments to Rules Requiring Internet Availability of Proxy Materials'' (RIN3235–AK25) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4840. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to License Exception GOV to Provide Authorization for Exports and Reexports of Commodities for Use on the International Space Station (ISS)'' (RIN0694–AE52) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–4841. A communication from the Secretary, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to an order granting rehearing for further consideration; to the Committee on Energy and Natural Resources.

EC–4842. A communication from the Acting Director of Human Resources, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, (3) three reports relative to vacancies in the Environmental Protection Agency, received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC–4843. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuels and Fuel Additives: Federal Volatility Control Program in the Denver-Boulder-Greeley-Ft. Collins-Loveland, Colorado, 1997 8-Hour Ozone Nonattainment Area'' (FRL No. 9119–3) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC–4844. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category; Correction'' (FRL No. 9118–7) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC–4845. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Operating Permits Program; State of Iowa'' (FRL No. 9120–2) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC–4846. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Ohio New Source Review Rules'' (FRL No. 9107–4) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC–4847. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; NOx Budget Trading Program'' (FRL No. 9116–8) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Environment and Public Works.

EC–4848. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Permits; Control of Muscovy Ducks, Revisions to the Waterfowl Permit Exceptions and Waterfowl Sale and Disposal Permits Regulations'' (RIN1018–AV34) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Environment and Public Works.

EC–4849. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''General Provisions; Revised List of Migratory Birds'' (RIN1018–AB72) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Environment and Public Works.

EC–4850. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Permits; Control of Purple Swamphens'' (RIN1018–AV33) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Environment and Public Works.

EC–4851. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Permits; States Delegated Falconry Permitting Authority'' (RIN1018–AW98) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Environment and Public Works.

EC–4852. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''2010 Automobile Inflation Adjustments'' (Rev. Proc. 2010–18) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Finance.

EC–4853. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Study and Report Relating to Medicare Advantage Organizations as Required by Section 4101(d) of the American Recovery and Reinvestment Act of 2009''; to the Committee on Finance.

EC–4854. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to U.S. military personnel and U.S. civilian contractors involved in the anti-narcotics campaign in Colombia; to the Committee on Foreign Relations.

EC–4855. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2010–0029–2010–0032); to the Committee on Foreign Relations.

EC–4856. A communication from the Coordinator of U.S. Assistance to Europe and Eurasia, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report on U.S. Government Assistance to and Cooperative Activities with Central and Eastern Europe; to the Committee on Foreign Relations.

EC–4857. A communication from the Director, Office of Workers' Compensation Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Claims for Compensation; Death Gratuity Under the Federal Employees' Compensation Act'' (RIN1215–AB66) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–4858. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Listing of Color Additives Exempt From Certification; Astaxanthin Dimethyldisuccinate; Confirmation of Effective Date'' (Docket No. FDA–2007–C–0044) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–4859. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–294, ''Arthur Capper/Carrollsburg Public Improvements Revenue Bonds Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–4860. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, an annual report relative to the Board's compliance with the Sunshine Act during calendar year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–4861. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Distribution Program on Indian Reservations: Resource Limits and Exclusions, and Extended Certification Periods'' (RIN0584–AD12) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Indian Affairs.

EC–4862. A communication from the Assistant Secretary of the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Temporary Agricultural Employment of H–2A Aliens in the United States'' (RIN1205–AB55) received in the Office of the President of the Senate on February 25, 2010; to the Committee on the Judiciary.

EC–4863. A communication from the Deputy Assistant Administrator of Diversion

Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Registration Requirements for Importers and Manufacturers of Prescription Drug Products Containing Ephedrine, Pseudoephedrine, or Phenylpropanolamine'' (Docket Number DEA–294F) received in the Office of the President of the Senate on February 24, 2010; to the Committee on the Judiciary.

EC–4864. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Western Pacific Crustacean Fisheries; 2010 Northwestern Hawaiian Islands Lobster Harvest Guideline'' (RIN0648–XT33) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4865. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska'' (RIN0648–XT96) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4866. A communication from the Director, Census Bureau, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Foreign Trade Regulations (FTR): Eliminate the Social Security Number (SSN) as an Identification Number in the Automated Export System (AES)'' (RIN0607–AA48) received in the Office of the President of the Senate on February 24, 2010; to the Committee on Commerce, Science, and Transportation.

EC–4867. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled ''Children's Products Containing Lead; Exemptions for Certain Electronic Devices'' (16 CFR Part 1500) received in the Office of the President of the Senate on February 23, 2010; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 409. A bill to secure Federal ownership and management of significant natural, scenic, and recreational resources, to provide for the protection of cultural resources, to facilitate the efficient extraction of mineral resources by authorizing and directing an exchange of Federal and non-Federal land, and for other purposes (Rept. No. 111–129).

S. 522. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act (Rept. No. 111–130).

S. 555. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes (Rept. No. 111–131).

S. 721. A bill to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, and for other purposes (Rept. No. 111–132).

S. 782. A bill to provide for the establishment of the National Volcano Early Warning and Monitoring System (Rept. No. 111–133).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 853. A bill to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System (Rept. No. 111–134).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 874. A bill to establish El Rio Grande Del Norte National Conservation Area in the State of New Mexico, and for other purposes (Rept. No. 111–135).

S. 940. A bill to direct the Secretary of the Interior to convey to the Nevada System of Higher Education certain Federal land located in Clark and Nye counties, Nevada, and for other purposes (Rept. No. 111–136).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1053. A bill to amend the National Law Enforcement Museum Act to extend the termination date (Rept. No. 111–137).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1139. A bill to require the Secretary of Agriculture to enter into a property conveyance with the city of Wallowa, Oregon, and for other purposes (Rept. No. 111–138).

S. 1140. A bill to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon (Rept. No. 111–139).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1369. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 111–140).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1405. A bill to redesignate the Longfellow National Historic Site, Massachusetts, as the ''Longfellow House-Washington's Headquarters National Historic Site'' (Rept. No. 111–141).

S. 1453. A bill to amend Public Law 106–392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023 (Rept. No. 111–142).

S. 1757. A bill to provide for the prepayment of a repayment contract between the United States and the Uintah Water Conservancy District, and for other purposes (Rept. No. 111–143).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1759. A bill to authorize certain transfers of water in the Central Valley Project, and for other purposes (Rept. No. 111–144).

H.R. 689. A bill to interchange the administrative jurisdiction of certain Federal lands between the Forest Service and the Bureau of Land Management, and for other purposes (Rept. No. 111–145).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 714. A bill to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park, and for other purposes (Rept. No. 111–146).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1121. A bill to authorize a land exchange to acquire lands for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes (Rept. No. 111–147).

H.R. 1287. A bill to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes (Rept. No. 111–148).

H.R. 1376. To establish the Waco Mammoth National Monument in the State of Texas, and for other purposes (Rept. No. 111–149).

H.R. 1442. A bill to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909 (Rept. No. 111–150).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 1593. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System (Rept. No. 111–151).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

H.R. 1694. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program (Rept. No. 111–152).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1945. A bill to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes (Rept. No. 111–153).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 2330. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System (Rept. No. 111–154).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 2802. A bill to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes (Rept. No. 111–155).

H.R. 3113. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 111–156).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself, Ms. CANTWELL, Ms. MIKULSKI, Mr. CARDIN, Mr. DODD, and Mr. MERKLEY):

S. 3056. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation and importation of natural gas; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 3057. A bill to provide to the Secretary of Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Ms. COLLINS, Mr. BAUCUS, Mr. INOUYE, Mrs. LINCOLN, Mr. HATCH, Ms. STABENOW, Mr. SCHUMER, Mr. DURBIN, Mr. BUNNING, Mr. COCHRAN, Mr. CRAPO, Mr. GRASSLEY, Mr. JOHANNS, Ms. MURKOWSKI, Mrs. SHAHEEN, Mr. WARNER, Mr. BARRASSO, and Mr. BINGAMAN):

S. 3058. A bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mr. MENENDEZ):

S. 3059. A bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL:

S. Res. 429. A resolution making minority party appointments for certain committees for the 111th Congress; considered and agreed to.

By Mr. CHAMBLISS:

S. Con. Res. 52. A concurrent resolution expressing support for the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 557

At the request of Mr. KOHL, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 704

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 704, a bill to direct the Comptroller General of the United States to conduct a study on the use of Civil Air Patrol personnel and resources to support homeland security missions, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1222

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1222, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1255

At the request of Mr. SCHUMER, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1255, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes.

S. 1583

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 2805

At the request of Mr. SPECTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2805, a bill to amend the Food and Nutrition Act of 2008 to increase the amount made available to purchase commodities for the emergency food assistance program in fiscal year 2010.

S. 2858

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2858, a bill to amend the Public Health Service Act to establish an Office of Mitochondrial Disease at the National Institutes of Health, and for other purposes.

S. 2878

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2878, a bill to prevent gun trafficking in the United States.

S. 2924

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2924, a bill to reauthorize the Boys & Girls Clubs of America, in the wake of its Centennial, and its programs and activities.

S. 2947

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 2947, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 2979

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2979, a bill to amend title 18, United States Code, to provide accountability for the criminal acts of Federal contractors and employees outside the United States, and for other purposes.

S. 2994

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2994, a bill to amend the Internal Revenue Code of 1986 to impose an excise tax on excessive 2009 bonuses received from certain major recipients of Federal emergency economic assistance, to limit the deduction allowable for such bonuses, and for other purposes.

S. RES. 404

At the request of Mr. FEINGOLD, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 404, a resolution supporting full implementation of the Comprehensive Peace Agreement and other efforts to promote peace and stability in Sudan, and for other purposes.

AMENDMENT NO. 3338

At the request of Mr. THUNE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 3338 proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

AMENDMENT NO. 3342

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 3342 intended to be proposed to H.R. 4213, a bill to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Ms. CANTWELL, Ms. MIKULSKI, Mr. CARDIN, Mr. DODD, and Mr. MERKLEY):

S. 3056. A bill to amend the Energy Policy Act of 2005 to repeal a section of that Act relating to exportation and importation of natural gas; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, along with Senators CANTWELL, MIKULSKI, CARDIN, DODD, and MERKLEY, I am reintroducing legislation that will repeal the authority granted to the Federal Energy Regulatory Commission, FERC, in the Energy Policy Act of 2005 to site Liquified Natural Gas, LNG, terminals. Prior to enactment of these changes,

States, such as Oregon, had authority to site these large energy facilities—a right that was preempted by the 2005 act. At the time, 45 Senators went on record saying that cutting State siting agencies out of the LNG siting process was a bad idea.

As citizens and their public officials in my State and those of my colleagues can attest, putting FERC in the driver's seat for LNG siting has been a colossal mistake. Rather than address the critical environmental and economic questions of whether these large, potentially dangerous natural gas storage facilities are even needed or whether energy supplies could be provided with less environmental impact and risk, FERC has taken the attitude that it's not its job to make such decisions. The result is the worst of all possible public policy worlds where FERC refuses to address the tough questions and the law limits the ability of our States to step where FERC fails.

Right now, in Oregon, we have three separate LNG projects. Two of those have been approved by FERC over the objections of citizens and State officials and one is still pending. Together, they would have a combined capacity of 3.3 billion cubic feet, BCF, of gas per day. Yet, the States of Oregon and Washington, together, only use 1.33 BCF per day. Natural gas prices in North America have significantly declined and supplies have increased since these projects were proposed. Yet, FERC categorically refuses to address the basic question of whether the three proposed facilities are even needed to serve our market. FERC also refuses to consider whether any of the competing interstate pipeline proposals to bring natural gas to Oregon from the Rocky Mountains would be a better option. In fact, FERC asserts that it is not its job to determine which, if any, of these proposals best serves our market.

While the new chairman of FERC—Jon Wellinghoff—has been willing to vote against LNG siting proposals, the truth is that FERC continues to plow ahead with siting decisions that make no economic sense and which endanger forest lands, farms, vineyards, and residential neighborhoods. Given FERC's record, my colleagues and I believe that it is essential that Congress restore the local and State role in these critical decisions about where, and even whether, LNG facilities and the pipelines that connect them are to be built.

The legislative language is identical to the bill I introduced in the last Congress—S. 2822—and which garnered the support of a number of my colleagues including then-Senator Barack Obama. That bill was needed then, and it is needed now. I am going to be calling on the President for his help in fixing this serious mistake.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPORTATION OR IMPORTATION OF NATURAL GAS.

(a) IN GENERAL.—Section 311 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 685) is repealed.

(b) APPLICATION.—The Natural Gas Act (15 U.S.C. 717 et seq.) shall be applied and administered as if section 311 of the Energy Policy Act of 2005 (and the amendments made by the section) had not been enacted.

By Mrs. BOXER:

S. 3057. A bill to provide to the Secretary of the Interior a mechanism to cancel contracts for the sale of materials CA–20139 and CA–22901, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am pleased to introduce the Soledad Canyon High Desert, California Public Lands Conservation and Management Act of 2010. This bill would resolve a twenty-year-old mining dispute between the City of Santa Clarita and CEMEX USA, and have numerous other benefits for communities in Los Angeles and San Bernardino Counties, CA.

In 1990, the Bureau of Land Management awarded CEMEX two 10-year consecutive contracts to extract 56 million tons of sand and gravel from a site in Soledad Canyon. The City of Santa Clarita strongly opposed CEMEX's expansion of mining in this area. After 2 decades of conflict and nearly a decade of litigation, the two parties announced a truce in early 2007, and started working out an agreement.

This legislation would implement the terms of that agreement. It would require the Secretary of the Interior to cancel CEMEX's mining contracts in Soledad Canyon and prohibit future mining at this site. The BLM would sell lands near Victorville, CA, that are currently on its disposal list, and would use the proceeds to compensate CEMEX for the cancellation of its mining contracts. The City of Victorville and County of San Bernardino would have the right of first refusal to purchase many of these parcels, which would help satisfy their future development needs. Some of these funds would also go towards the purchase of environmentally-sensitive lands in Southern California.

My legislation would settle a twenty-year-old dispute to all parties' satisfaction, complement future development plans in Southern California, help secure important lands for conservation, and do all of this without any cost to taxpayers. That is why it has already won the support of a diverse group of interests, including the City of Santa Clarita, CEMEX, the Santa Monica Mountains Conservancy, and the Sierra Club.

I have worked with Representative BUCK MCKEON in introducing this measure and look forward to working with my colleagues in the Senate to secure its passage.

By Mr. BINGAMAN (for himself, Ms. MURKOWSKI, and Mr. MENENDEZ):

S. 3059. A bill to improve energy efficiency of appliances, lighting, and buildings, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am pleased to join with the Ranking Member of the Committee on Energy and Natural Resources, LISA MURKOWSKI, in introducing the National Energy Efficiency Enhancement Act of 2010. This legislation would implement several agreements that have been negotiated between appliance manufacturers and energy efficiency advocates to increase national energy efficiency standards for a range of commercial products, strengthen our economy, create jobs, and reduce carbon dioxide emissions.

The major energy consuming products that would have standards established or enhanced by this legislation include furnaces, air conditioners, street lights, and external power supplies. The bill would also modify the Secretary of Energy's authority regarding administration of the program. For example, there would be changes to the criteria used by the Secretary when determining where to set a standard, so as to include consideration of the impact of a proposed standard on average energy prices and the impacts of smart grid technology. A more detailed description section-by-section summary of the bill is included at the end of these remarks.

Representatives from the energy efficiency community, such as the American Council for an Energy Efficient Economy, ACEEE, the Alliance to Save Energy, and the National Resources Defense Council, along with industry representatives from the National Electric Manufacturers Association, the Air Conditioning, Heating and Refrigeration Institute, and the Association of Home Appliance Manufacturers and others, have done a commendable job in working through very difficult and technical issues to develop this remarkable consensus legislation. Their successes were set forth in several agreements that have been included in this bill. It is a testament to what can be achieved for the nation when interests groups work together with a commitment to the common good.

The savings from these new standards, if enacted, are estimated at 258 trillion Btu in 2020, and 677 trillion Btu in 2030. In addition, greenhouse gas emissions are estimated to be reduced by 14.6 million metric tons of CO_2 in 2020, and 39 million metric tons in 2030. Other benefits of increased efficiency include consumer savings due to lower energy costs and new jobs created by the use of consumer savings for other purchases and investments.

This legislation demonstrates the continuing commitment of the Energy

Committee to build on the bipartisan bill it reported last June—the American Clean Energy Leadership Act of 2009, or ACELA. Title II of ACELA directs the Energy Department to establish new energy efficiency standards for portable lamps and commercial furnaces and would yield estimated energy savings in 2030 of 551 trillion Btu, and carbon dioxide emission reductions of 31.3 million metric tons. Combined, the savings from these two bills would be 1228 trillion Btu and 70 million metric tons in 2030. Note: all estimates by the American Council for an Energy Efficient Economy.

The energy efficiency provisions of ACELA when combined with this new legislation would substantially enhance one of the most powerful and cost-effective tools the Federal Government has to strengthen our economic and energy security.

The appliance standards program has been saving energy and money for families, businesses, and government consumers for more than 20 years. DOE currently administers standards for 35 products, and the American Council for an Energy Efficient Economy estimates cumulative program savings of 5.1 Quadrillion Btu through 2010. The ACEEE projects another 3 Quadrillion Btu of savings from current standards by 2020.

This program's savings in electricity are the most significant, with an estimated reduction of nearly 16 percent in national electricity use by 2020 below what would have been used without the program.

Greater energy efficiency strengthens our economy, enhances our security, saves consumers money, creates jobs, and reduces greenhouse gas pollution. No single program or policy is going to completely end our nation's waste of energy or its carbon emissions, but increased energy efficiency through cost-effective energy standards for appliances and consumer products remains the single most-powerful tools for meeting these goals.

I look forward to working with my colleagues in the Energy Committee, in the Congress, and in the Administration to enact the National Energy Efficiency Enhancement Act of 2010. It would be a major enhancement to the energy savings anticipated from ACELA—more than doubling the savings—and both bills should be a part of any comprehensive national energy legislation.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3059

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Energy Efficiency Enhancement Act of 2010''.

SEC. 2. ENERGY CONSERVATION STANDARDS.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) by striking paragraph (6) and inserting the following:

''(6) ENERGY CONSERVATION STANDARD.—

''(A) IN GENERAL.—The term 'energy conservation standard' means 1 or more performance standards that—

''(i) for covered products (excluding clothes washers, dishwashers, showerheads, faucets, water closets, and urinals), prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323;

''(ii) for showerheads, faucets, water closets, and urinals, prescribe a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with test procedures prescribed under section 323; and

''(iii) for clothes washers and dishwashers—

''(I) prescribe a minimum level of energy efficiency or a maximum quantity of energy use, determined in accordance with test procedures prescribed under section 323; and

''(II) may include a minimum level of water efficiency or a maximum quantity of water use, determined in accordance with those test procedures.

''(B) INCLUSIONS.—The term 'energy conservation standard' includes—

''(i) 1 or more design requirements, if the requirements were established—

''(I) on or before the date of enactment of this subclause;

''(II) as part of a direct final rule under section 325(p)(4); or

''(III) as part of a final rule published on or after January 1, 2012; and

''(ii) any other requirements that the Secretary may prescribe under section 325(r).

''(C) EXCLUSION.—The term 'energy conservation standard' does not include a performance standard for a component of a finished covered product, unless regulation of the component is specifically authorized or established pursuant to this title.''; and

(2) by adding at the end the following:

''(66) EER.—The term 'EER' means energy efficiency ratio.

''(67) HSPF.—The term 'HSPF' means heating seasonal performance factor.''.

(b) EER AND HSPF TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

''(19) EER AND HSPF TEST PROCEDURES.—

''(A) IN GENERAL.—Subject to subparagraph (B), for purposes of residential central air conditioner and heat pump standards that take effect on or before January 1, 2015—

''(i) the EER shall be tested at an outdoor test temperature of 95 degrees Fahrenheit; and

''(ii) the HSPF shall be calculated based on Region IV conditions.

''(B) REVISIONS.—The Secretary may revise the EER outdoor test temperature and the conditions for HSPF calculations as part of any rulemaking to revise the central air conditioner and heat pump test method.''.

(c) CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

''(4) CENTRAL AIR CONDITIONERS AND HEAT PUMPS (EXCEPT THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS) MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

''(A) BASE NATIONAL STANDARDS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

''(I) Split Systems: 13 for central air conditioners and 14 for heat pumps.

''(II) Single Package Systems: 14.

''(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 1, 2015, shall not be less than the following:

''(I) Split Systems: 8.2.

''(II) Single Package Systems: 8.0.

''(B) REGIONAL STANDARDS.—

''(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 1, 2015, and installed in States having historical average annual, population weighted, heating degree days less than 5,000 (specifically the States of Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia) or in the District of Columbia, the Commonwealth of Puerto Rico, or any other territory or possession of the United States shall not be less than the following:

''(I) Split Systems: 14 for central air conditioners and 14 for heat pumps.

''(II) Single Package Systems: 14.

''(ii) ENERGY EFFICIENCY RATIO.—The energy efficiency ratio of central air conditioners (not including heat pumps) manufactured on or after January 1, 2015, and installed in the State of Arizona, California, New Mexico, or Nevada shall be not less than the following:

''(I) Split Systems: 12.2 for split systems having a rated cooling capacity less than 45,000 BTU per hour and 11.7 for products having a rated cooling capacity equal to or greater than 45,000 BTU per hour.

''(II) Single Package Systems: 11.0.

''(iii) APPLICATION OF SUBSECTION (O)(6).—Subsection (o)(6) shall apply to the regional standards set forth in this subparagraph.

''(C) AMENDMENT OF STANDARDS.—

''(i) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended.

''(ii) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

''(D) CONSIDERATION OF ADDITIONAL PERFORMANCE STANDARDS OR EFFICIENCY CRITERIA.—

''(i) FORUM.—Not later than 4 years in advance of the expected publication date of a final rule for central air conditioners and heat pumps under subparagraph (C), the Secretary shall convene and facilitate a forum for interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of the covered product, States, and efficiency advocates), as determined by the Secretary, to consider adding additional performance standards or efficiency criteria in the forthcoming rule.

''(ii) RECOMMENDATION.—If, within 1 year of the initial convening of such a forum, the Secretary receives a recommendation submitted jointly by such representative interested persons to add 1 or more performance standards or efficiency criteria, the Secretary shall incorporate the performance standards or efficiency criteria in the rulemaking process, and, if justified under the criteria established in this section, incorporate such performance standards or efficiency criteria in the revised standard.

''(iii) NO RECOMMENDATION.—If no such joint recommendation is made within 1 year of the initial convening of such a forum, the Secretary may add additional performance standards or efficiency criteria if the Secretary finds that the benefits substantially exceed the burdens of the action.

''(E) NEW CONSTRUCTION LEVELS.—

''(i) IN GENERAL.—As part of any final rule concerning central air conditioner and heat pump standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

''(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

''(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.''.

(d) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) (as amended by subsection (c)) is amended by adding at the end the following:

''(5) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term 'small duct, high velocity system' means a heating and cooling product that contains a blower and indoor coil combination that—

''(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

''(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

''(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms 'through-the-wall central air conditioner' and 'through-the-wall central air conditioning heat pump' mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

''(I) is not weatherized;

''(II) is clearly and permanently marked for installation only through an exterior wall;

''(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

''(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

''(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

''(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

''(B) RULEMAKING.—

''(i) IN GENERAL.—Not later than June 30, 2011, the Secretary shall publish a final rule to determine whether standards for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps and small duct, high velocity systems should be established or amended.

''(ii) APPLICATION.—The rule shall provide that any new or amended standard shall apply to products manufactured on or after June 30, 2016.''.

(e) FURNACES.—Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended by adding at the end the following:

''(5) NON-WEATHERIZED FURNACES (INCLUDING MOBILE HOME FURNACES, BUT NOT INCLUDING BOILERS) MANUFACTURED ON OR AFTER MAY 1, 2013, AND WEATHERIZED FURNACES MANUFACTURED ON OR AFTER JANUARY 1, 2015.—

''(A) BASE NATIONAL STANDARDS.—

''(i) NON-WEATHERIZED FURNACES.—The annual fuel utilization efficiency of non-weatherized furnaces manufactured on or after May 1, 2013, shall be not less than the following:

''(I) Gas furnaces: 80 percent.

''(II) Oil furnaces: 83 percent.

''(ii) WEATHERIZED FURNACES.—The annual fuel utilization efficiency of weatherized gas furnaces manufactured on or after January 1, 2015 shall be not less than 81 percent.

''(B) REGIONAL STANDARD.—

''(i) ANNUAL FUEL UTILIZATION EFFICIENCY.—The annual fuel utilization efficiency of non-weatherized gas furnaces manufactured on or after May 1, 2013, and installed in States having historical average annual, population weighted, heating degree days equal to or greater than 5000 (specifically the States of Alaska, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming) shall be not less than 90 percent.

''(ii) APPLICATION OF SUBSECTION (O)(6).—Subsection (o)(6) shall apply to the regional standard set forth in this subparagraph.

''(C) AMENDMENT OF STANDARDS.—

''(i) NON-WEATHERIZED FURNACES.—

''(I) IN GENERAL.—Not later than January 1, 2014, the Secretary shall publish a final rule to determine whether the standards in effect for non-weatherized furnaces should be amended.

''(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2019.

''(ii) WEATHERIZED FURNACES.—

''(I) IN GENERAL.—Not later than January 1, 2017, the Secretary shall publish a final rule to determine whether the standard in effect for weatherized furnaces should be amended.

''(II) APPLICATION.—The rule shall provide that any amendments shall apply to products manufactured on or after January 1, 2022.

''(D) NEW CONSTRUCTION LEVELS.—

''(i) IN GENERAL.—As part of any final rule concerning furnace standards published after June 1, 2013, the Secretary shall determine if the building code levels specified in section 327(f)(3)(C) should be amended subject to meeting the criteria of subsection (o) when applied specifically to new construction.

''(ii) EFFECTIVE DATE.—Any amended levels shall not take effect before January 1, 2018.

''(iii) AMENDED LEVELS.—The final rule shall contain the amended levels, if any.''.

(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—Section 327(f) of the Energy Policy and Conservation Act (42 U.S.C. 6297(f)) is amended—

(1) in paragraph (3), by striking subparagraphs (B) through (F) and inserting the following:

''(B) The code does not contain a mandatory requirement that, under all code compliance paths, requires that the covered product have an energy efficiency exceeding 1 of the following levels:

''(i) The applicable energy conservation standard established in or prescribed under section 325.

''(ii) The level required by a regulation of the State for which the Secretary has issued a rule granting a waiver under subsection (d).

''(C) If the energy consumption or conservation objective in the code is determined using covered products, including any baseline building designs against which all submitted building designs are to be evaluated, the objective is based on the use of covered products having efficiencies not exceeding—

''(i) for residential furnaces, central air conditioners, and heat pumps, effective not earlier than January 1, 2013 and until such time as a level takes effect for the product under clause (ii)—

''(I) for the States described in section 325(d)(5)(B)(i)—

''(aa) 92 percent AFUE for gas furnaces; and

''(bb) 14 SEER for central air conditioners (not including heat pumps);

''(II) for the States and other localities described in section 325(d)(4)(B)(i) (except for the States of Arizona, California, Nevada, and New Mexico)—

''(aa) 90 percent AFUE for gas furnaces; and

''(bb) 15 SEER for central air conditioners;

''(III) for the States of Arizona, California, Nevada, and New Mexico—

''(aa) 92 percent AFUE for gas furnaces;

''(bb) 15 SEER for central air conditioners;

''(cc) an EER of 12.5 for air conditioners (not including heat pumps) with cooling capacity less than 45,000 Btu per hour; and

''(dd) an EER of 12.0 for air conditioners (not including heat pumps) with cooling capacity of 45,000 Btu per hour or more; and

''(IV) for all States—

''(aa) 85 percent AFUE for oil furnaces; and

''(bb) 15 SEER and 8.5 HSPF for heat pumps;

''(ii) the building code levels established pursuant to section 325; or

''(iii) the applicable standards or levels specified in subparagraph (B).

''(D) The credit to the energy consumption or conservation objective allowed by the code for installing a covered product having an energy efficiency exceeding the applicable standard or level specified in subparagraph (C) is on a 1-for-1 equivalent energy use or equivalent energy cost basis, which may take into account the typical lifetimes of the products and building features, using lifetimes for covered products based on information published by the Department of Energy or the American Society of Heating, Refrigerating and Air-Conditioning Engineers.

''(E) If the code sets forth 1 or more combinations of items that meet the energy consumption or conservation objective, and if 1 or more combinations specify an efficiency level for a covered product that exceeds the applicable standards and levels specified in subparagraph (B)—

''(i) there is at least 1 combination that includes such covered products having efficiencies not exceeding 1 of the standards or levels specified in subparagraph (B); and

''(ii) if 1 or more combinations of items specify an efficiency level for a furnace, central air conditioner, or heat pump that exceeds the applicable standards and levels specified in subparagraph (B), there is at least 1 combination that the State has found to be reasonably achievable using commercially available technologies that includes such products having efficiencies at the applicable levels specified in subparagraph (C), except that no combination need include a product having an efficiency less than the level specified in subparagraph (B)(ii).

''(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which

may be specified in units of energy or its equivalent cost).'';

(2) in paragraph (4)(B)—

(A) by inserting after ''building code'' the first place it appears the following: ''contains a mandatory requirement that, under all code compliance paths,''; and

(B) by striking ''unless the'' and all that follows through ''subsection (d)''; and

(3) by adding at the end the following:

''(5) REPLACEMENT OF COVERED PRODUCT.—Paragraph (3) shall not apply to the replacement of a covered product serving an existing building unless the replacement results in an increase in capacity greater than—

''(A) 12,000 Btu per hour for residential air conditioners and heat pumps; or

''(B) 20 percent for other covered products.''.

SEC. 3. ENERGY CONSERVATION STANDARDS FOR HEAT PUMP POOL HEATERS.

(a) DEFINITIONS.—

(1) EFFICIENCY DESCRIPTOR.—Section 321(22) of the Energy Policy and Conservation Act (42 U.S.C. 6291(22)) is amended—

(A) in subparagraph (E), by inserting ''gas-fired'' before ''pool heaters''; and

(B) by adding at the end the following:

''(F) For heat pump pool heaters, coefficient of performance of heat pump pool heaters.''.

(2) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291)) is amended by inserting after paragraph (25) the following:

''(25A) COEFFICIENT OF PERFORMANCE OF HEAT PUMP POOL HEATERS.—The term 'coefficient of performance of heat pump pool heaters' means the ratio of the capacity to power input value obtained at the following rating conditions: 50.0°F db/44.2°F wb outdoor air and 80.0°F entering water temperatures, according to AHRI Standard 1160.''.

(3) THERMAL EFFICIENCY OF GAS-FIRED POOL HEATERS.—Section 321(26) of the Energy Policy and Conservation Act (42 U.S.C. 6291(26)) by inserting ''gas-fired'' before ''pool heaters''.

(b) STANDARDS FOR POOL HEATERS.—Section 325(e)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)(2)) is amended—

(1) by striking ''(2) The thermal efficiency of pool heaters'' and inserting the following:

''(2) POOL HEATERS.—

''(A) GAS-FIRED POOL HEATERS.—The thermal efficiency of gas-fired pool heaters''; and

(2) by adding at the end the following:

''(B) HEAT PUMP POOL HEATERS.—Heat pump pool heaters manufactured on or after the date of enactment of this subparagraph shall have a minimum coefficient of performance of 4.0.''.

SEC. 4. EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.

Section 325(u)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)) is amended—

(1) in subparagraph (A), by striking ''(D)'' and inserting ''(E)''; and

(2) by adding at the end the following:

''(E) NONAPPLICATION OF NO-LOAD MODE ENERGY EFFICIENCY STANDARDS TO EXTERNAL POWER SUPPLIES FOR CERTAIN SECURITY OR LIFE SAFETY ALARMS OR SURVEILLANCE SYSTEMS.—

''(i) DEFINITION OF SECURITY OR LIFE SAFETY ALARM OR SURVEILLANCE SYSTEM.—In this subparagraph:

''(I) IN GENERAL.—The term 'security or life safety alarm or surveillance system' means equipment designed and marketed to perform any of the following functions (on a continuous basis):

''(aa) Monitor, detect, record, or provide notification of intrusion or access to real property or physical assets or notification of threats to life safety.

''(bb) Deter or control access to real property or physical assets, or prevent the unauthorized removal of physical assets.

''(cc) Monitor, detect, record, or provide notification of fire, gas, smoke, flooding, or other physical threats to real property, physical assets, or life safety.

''(II) EXCLUSION.—The term 'security or life safety alarm or surveillance system' does not include any product with a principal function other than life safety, security, or surveillance that—

''(aa) is designed and marketed with a built-in alarm or theft-deterrent feature; or

''(bb) does not operate necessarily and continuously in active mode.

''(ii) NONAPPLICATION OF NO-LOAD MODE REQUIREMENTS.—The No-Load Mode energy efficiency standards established by this paragraph shall not apply to an external power supply manufactured before July 1, 2017, that—

''(I) is an AC-to-AC external power supply;

''(II) has a nameplate output of 20 watts or more;

''(III) is certified to the Secretary as being designed to be connected to a security or life safety alarm or surveillance system component; and

''(IV) on establishment within the External Power Supply International Efficiency Marking Protocol, as referenced in the 'Energy Star Program Requirements for Single Voltage External Ac-Dc and Ac-Ac Power Supplies', published by the Environmental Protection Agency, of a distinguishing mark for products described in this clause, is permanently marked with the distinguishing mark.

''(iii) ADMINISTRATION.—In carrying out this subparagraph, the Secretary shall—

''(I) require, with appropriate safeguard for the protection of confidential business information, the submission of unit shipment data on an annual basis; and

''(II) restrict the eligibility of external power supplies for the exemption provided under this subparagraph on a finding that a substantial number of the external power supplies are being marketed to or installed in applications other than security or life safety alarm or surveillance systems.''.

SEC. 5. PROHIBITED ACTS.

Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraphs (1) and (5), by striking ''for any manufacturer or private labeler to distribute'' each place it appears and inserting ''for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute'';

(2) by redesignating paragraph (6) (as added by section 321(e)(3) of Public Law 110–140 (121 Stat. 1586)) as paragraph (7); and

(3) in paragraph (7) (as so redesignated), by striking ''for any manufacturer, distributor, retailer, or private labeler to distribute'' and inserting ''for any manufacturer (or representative of a manufacturer), distributor, retailer, or private labeler to offer for sale or distribute''.

SEC. 6. OUTDOOR LIGHTING.

(a) DEFINITIONS.—

(1) COVERED EQUIPMENT.—Section 340(1) of the Energy Policy and Conservation Act (42 U.S.C. 6311(1)) is amended—

(A) by redesignating subparagraph (L) as subparagraph (O); and

(B) by inserting after subparagraph (K) the following:

''(L) Pole-mounted outdoor luminaires.

''(M) High light output double-ended quartz halogen lamps.

''(N) General purpose mercury vapor lamps.''.

(2) INDUSTRIAL EQUIPMENT.—Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) by striking ''and'' before ''unfired hot water''; and

(B) by inserting after ''tanks'' the following: '', pole-mounted outdoor luminaires, high light output double-ended quartz halogen lamps, and general purpose mercury vapor lamps''.

(3) NEW DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended by adding at the end the following:

''(24) AREA LUMINAIRE.—The term 'area luminaire' means a luminaire intended for lighting parking lots and general areas that—

''(A) is designed to mount on a pole using an arm, pendant, or vertical tenon;

''(B) has an opaque top or sides, but may contain a transmissive ornamental element;

''(C) has an optical aperture that is open or enclosed with a flat, sag, or drop lens;

''(D) is mounted in a fixed position with the optical aperture near horizontal, or tilted up; and

''(E) has photometric output measured using Type C photometry per IESNA LM–75–01.

''(25) DECORATIVE POSTTOP LUMINAIRE.—The term 'decorative posttop luminaire' means a luminaire with—

''(A) open or transmissive sides that is designed to be mounted directly over a pole using a vertical tenon or by fitting the luminaire directly into the pole; and

''(B) photometric output measured using Type C photometry per IESNA LM–75–01.

''(26) DUSK-TO-DAWN LUMINAIRE.—The term 'dusk-to-dawn luminaire' means a fluorescent, induction, or high intensity discharge luminaire that—

''(A) is designed to be mounted on a horizontal or horizontally slanted tenon or arm;

''(B) has an optical assembly that is coaxial with the axis of symmetry of the light source;

''(C) has an optical assembly that is—

''(i) a reflector or lamp enclosure that surrounds the light source with an open lower aperture; or

''(ii) a refractive optical assembly surrounding the light source with an open or closed lower aperture;

''(D) contains a receptacle for a photocontrol that enables the operation of the light source and is either coaxial with both the axis of symmetry of the light source and the optical assembly or offset toward the mounting bracket by less than 3 inches, or contains an integral photocontrol; and

''(E) has photometric output measured using Type C photometry per IESNA LM–75–01.

''(27) FLOODLIGHT LUMINAIRE.—The term 'floodlight luminaire' means an outdoor luminaire designed with a yoke, knuckle, or other mechanism allowing the luminaire to be aimed 40 degrees or more with its photometric distributions established with only Type B photometry in accordance with IESNA LM-75, revised 2001.

''(28) GENERAL PURPOSE MERCURY VAPOR LAMP.—The term 'general purpose mercury vapor lamp' means a mercury vapor lamp (as defined in section 321) that—

''(A) has a screw base;

''(B) is designed for use in general lighting applications (as defined in section 321);

''(C) is not a specialty application mercury vapor lamp; and

''(D) is designed to operate on a mercury vapor lamp ballast (as defined in section 321) or is a self- ballasted lamp.

''(29) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMP.—The term 'high light output double-ended quartz halogen lamp' means a lamp that—

''(A) is designed for general outdoor lighting purposes;

''(B) contains a tungsten filament;

''(C) has a rated initial lumen value of greater than 6,000 and less than 40,000 lumens;

''(D) has at each end a recessed single contact, R7s base;

''(E) has a maximum overall length (MOL) between 4 and 11 inches;

''(F) has a nominal diameter less than ¾ inch (T6);

''(G) is designed to be operated at a voltage not less than 110 volts and not greater than 200 volts or is designed to be operated at a voltage between 235 volts and 300 volts;

''(H) is not a tubular quartz infrared heat lamp; and

''(I) is not a lamp marked and marketed as a Stage and Studio lamp with a rated life of 500 hours or less.

''(30) MEAN RATED LAMP LUMENS.—The term 'mean rated lamp lumens' means the rated lumens at—

''(A) 40 percent of rated lamp life for metal halide, induction, and fluorescent lamps; or

''(B) 50 percent of rated lamp life for high pressure sodium lamps.

''(31) OUTDOOR LUMINAIRE.—The term 'outdoor luminaire' means a luminaire that—

''(A) is intended for outdoor use and suitable for wet locations; and

''(B) may be shipped with or without a lamp.

''(32) POLE-MOUNTED OUTDOOR LUMINAIRE.—

''(A) IN GENERAL.—The term 'pole-mounted outdoor luminaire' means an outdoor luminaire that is designed to be mounted on an outdoor pole and is—

''(i) an area luminaire;

''(ii) a roadway and highmast luminaire;

''(iii) a decorative posttop luminaire; or

''(iv) a dusk-to-dawn luminaire.

''(B) EXCLUSIONS.—The term 'pole-mounted outdoor luminaire' does not include—

''(i) a portable luminaire designed for use at construction sites;

''(ii) a luminaire designed to be used in emergency conditions that—

''(I) incorporates a means of storing energy and a device to switch the stored energy supply to emergency lighting loads automatically on failure of the normal power supply; and

''(II) is listed and labeled as Emergency Lighting Equipment;

''(iii) a decorative gas lighting system;

''(iv) a luminaire designed explicitly for lighting for theatrical purposes, including performance, stage, film production, and video production;

''(v) a luminaire designed as theme elements in theme or amusement parks and that cannot be used in most general lighting applications;

''(vi) a luminaire designed explicitly for hazardous locations meeting the requirements of Underwriters Laboratories Standard 844–2006, 'Luminaires for Use in Hazardous (Classified) Locations';

''(vii) a residential pole-mounted luminaire that is not rated for commercial use utilizing 1 or more lamps meeting the energy conservation standards established under section 325(i) and mounted on a post or pole not taller than 10.5 feet above ground and not rated for a power draw of more than 145 watts;

''(viii) a floodlight luminaire;

''(ix) an outdoor luminaire designed for sports and recreational area use in accordance with IESNA RP-6 and utilizing an 875 watt or greater metal halide lamp;

''(x) a decorative posttop luminaire designed for using high intensity discharge lamps with total lamp wattage of 150 or less, or designed for using other lamp types with total lamp wattage of 50 watts or less;

''(xi) an area luminaire, roadway and highmast luminaire, or dusk-to-dawn luminaire designed for using high intensity discharge lamps or pin-based compact fluorescent lamps with total lamp wattage of 100 or less, or other lamp types with total lamp wattage of 50 watts or less; and

''(xii) an area luminaire, roadway and highmast luminaire, or dusk-to-dawn luminaire with a backlight rating less than 2 and with the maximum of the uplight or glare rating 3 or less.

''(33) ROADWAY AND HIGHMAST LUMINAIRE.—The term 'roadway and highmast luminaire' means a luminaire intended for lighting streets and roadways that—

''(A) is designed to mount on a pole by clamping onto the exterior of a horizontal or horizontally slanted, circular cross-section pipe tenon;

''(B) has opaque tops or sides;

''(C) has an optical aperture that is open or enclosed with a flat, sag or drop lens;

''(D) is mounted in a fixed position with the optical aperture near horizontal, or tilted up; and

''(E) has photometric output measured using Type C photometry per IESNA LM–75–01.

''(34) SPECIALTY APPLICATION MERCURY VAPOR LAMP.—The term 'specialty application mercury vapor lamp' means a mercury vapor lamp (as defined in section 321) that is—

''(A) designed only to operate on a specialty application mercury vapor lamp ballast (as defined in section 321); and

''(B) is marked and marketed for specialty applications only.

''(35) TARGET EFFICACY RATING.—The term 'target efficacy rating' means a measure of luminous efficacy of a luminaire (as defined in NEMA LE–6–2009).

''(36) TUBULAR QUARTZ INFRARED HEAT LAMP.—The term 'tubular quartz infrared heat lamp' means a double-ended quartz halogen lamp that—

''(A) is marked and marketed as an infrared heat lamp; and

''(B) radiates predominately in the infrared radiation range and in which the visible radiation is not of principal interest.''.

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

''(g) POLE-MOUNTED OUTDOOR LUMINAIRES.—

''(1) TARGET EFFICACY RATING, LUMEN MAINTENANCE AND POWER FACTOR REQUIREMENTS.—

''(A) DEFINITION OF MAXIMUM OF UPLIGHT OR GLARE RATING.—In this paragraph, the term 'maximum of uplight or glare rating' means, for any specific outdoor luminaire, the higher of the uplight rating or glare rating of the luminaire.

''(B) REQUIREMENTS.—Each pole-mounted outdoor luminaire manufactured on or after the date that is 3 years after the date of enactment of this subsection shall—

''(i) meet or exceed the target efficacy ratings in the following table when tested at full system input watts:

''Area, Roadway or Highmast luminaires

	Maximum of Uplight or Glare rating		
Backlight Rating	0 or 1	2 or 3	4 or 5
0 or 1	38	38	38
2 or 3	38	38	42
4 or 5	38	42	43

''Decorative Posttop or Dusk-to-Dawn luminaires

	Maximum of Uplight or Glare rating		
Backlight Rating	0 or 1	2 or 3	4 or 5
0 or 1	25	25	25
2 or 3	25	25	28
4 or 5	25	28	28;

''(ii) use lamps that have a minimum of 0.6 lumen maintenance, as determined in accordance with IESNA LM-80 for Solid State Lighting sources or calculated as mean rated lamp lumens divided by initial rated lamp lumens for other light sources; and

''(iii) have a power factor equal to or greater than 0.9 at ballast full power, except in the case of pole-mounted outdoor luminaires designed for using high intensity discharge lamps with a total rated lamp wattage of 150 watts or less, which shall have no power factor requirement.

''(2) CONTROL REQUIREMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), each area luminaire manufactured on or after the date that is 3 years after the date of enactment of this subsection shall be sold—

''(i) with integral controls that shall have the capability of operating the luminaire at full power and a minimum of 1 reduced power level plus off, in which case the power reduction shall be at least 30 percent of the rated lamp power; or

''(ii) with internal electronics and connective wiring or hardware (including wire leads, pigtails, inserts for wires, pin bases, or the equivalent) that—

''(I) collectively enable the area luminaire, if properly connected to an appropriate control system, to operate at full power and a minimum of 1 reduced power level plus off, in which case the reduced power level shall be at least 30 percent lower than the rated lamp power in response to signals sent by controls not integral to the luminaire as sold, that may be connected in the field; and

''(II) have connections from the components that are easily accessible in the luminaire housing and have instructions applicable to appropriate control system connections that are included with the luminaire.

''(B) NONAPPLICATION.—The control requirements of this paragraph shall not apply to—

''(i) pole-mounted outdoor luminaires utilizing probe-start metal halide lamps with rated lamp power greater than 500 watts operating in non-base-up positions; or

''(ii) pole-mounted outdoor luminaires utilizing induction lamps.

''(C) INTEGRAL PHOTOSENSORS.—Each pole-mounted outdoor luminaire sold with an integral photosensor shall use an electronic-type photocell.

''(3) RULEMAKING COMMENCING NOT LATER THAN 60 DAYS AFTER THE DATE OF ENACTMENT.—

''(A) IN GENERAL.—Not later than 60 days after the date of enactment of this subsection, the Secretary shall initiate a rulemaking procedure to determine whether the standards in effect for pole-mounted outdoor luminaires should be amended.

''(B) FINAL RULE.—

''(i) PUBLICATION.—The Secretary shall publish a final rule containing the amendments, if any, not later than January 1, 2013, or the date that is 33 months after the date of enactment of this subsection, whichever is later.

''(ii) APPLICATION.—Any amendments shall apply to products manufactured on or after January 1, 2016, or the date that is 3 years after the final rule is published in the Federal Register, whichever is later.

''(C) REVIEW.—

''(i) IN GENERAL.—As part of the rulemaking required under this paragraph, the Secretary shall review and may amend the definitions, exclusions, test procedures, power factor standards, lumen maintenance requirements, labeling requirements, and additional control requirements, including dimming functionality, for all pole-mounted outdoor luminaires.

''(ii) FACTORS.—The review of the Secretary shall include consideration of—

''(I) obstacles to compliance and whether compliance is evaded by substitution of non-regulated luminaires for regulated luminaires or allowing luminaires to comply with the standards established under this part based on use of non-standard lamps, as provided for in section 343(a)(10)(D)(i)(II);

''(II) statistical data relating to pole-mounted outdoor luminaires that—

''(aa) the Secretary shall request not later than 120 days after the date of enactment of this subsection from all identifiable manufacturers of pole-mounted outdoor luminaires, directly from manufacturers of pole-mounted outdoor luminaires or, in the case of members of the National Electrical Manufacturers Association, from the National Electrical Manufacturers Association;

''(bb) is considered necessary for the rulemaking; and

''(cc) shall be made publicly available in a manner that does not reveal manufacturer identity or confidential business information, in a timely manner for discussion at any public proceeding at which comment is solicited from the public in connection with the rulemaking, except that nothing in this subclause restricts the Secretary from seeking additional information during the course of the rulemaking; and

''(III) phased-in effective dates for different types of pole-mounted outdoor luminaires that are submitted to the Secretary in the manner provided for in section 325(p)(4), except that the phased-in effective dates shall not be subject to subparagraphs (A) and (B) of this paragraph.

''(4) RULEMAKING BEFORE FEBRUARY 1, 2015.—

''(A) IN GENERAL.—Not later than February 1, 2015, the Secretary shall initiate a rulemaking procedure to determine whether the standards in effect for pole-mounted outdoor luminaires should be amended.

''(B) FINAL RULE.—

''(i) PUBLICATION.—The Secretary shall publish a final rule containing the amendments, if any, not later than January 1, 2018.

''(ii) APPLICATION.—Any amendments shall apply to products manufactured on or after January 1, 2021.

''(C) REVIEW.—

''(i) IN GENERAL.—As part of the rulemaking required under this paragraph, the Secretary shall review and may amend the definitions, exclusions, test procedures, power factor standards, lumen maintenance requirements, labeling requirements, and additional control requirements, including dimming functionality, for all pole-mounted outdoor luminaires.

''(ii) FACTORS.—The review of the Secretary shall include consideration of—

''(I) obstacles to compliance and whether compliance is evaded by substitution of non-regulated luminaires for regulated luminaires or allowing luminaires to comply with the standards established under this part based on use of nonstandard lamps, as provided for in section 343(a)(10)(D)(i)(II);

''(II) statistical data relating to pole-mounted outdoor luminaires that—

''(aa) the Secretary considers necessary for the rulemaking and requests not later than June 1, 2015, from all identifiable manufacturers of pole-mounted outdoor luminaires, directly from manufacturers of pole-mounted outdoor luminaires and, in the case of members of the National Electrical Manufacturers Association, from the National Electrical Manufacturers Association; and

''(bb) shall be made publicly available in a manner that does not reveal manufacturer identity or confidential business information, in a timely manner for discussion at any public proceeding at which comment is solicited from the public in connection with the rulemaking, except that nothing in this subclause restricts the Secretary from seeking additional information during the course of the rulemaking; and

''(III) phased-in effective dates for different types of pole-mounted outdoor luminaires that are submitted to the Secretary in the manner provided for in section 325(p)(4), except that the phased-in effective dates shall not be subject to subparagraphs (A) and (B) of this paragraph.

''(h) HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—A high light output double-ended quartz halogen lamp manufactured on or after January 1, 2016, shall have a minimum efficiency of—

''(1) 27 LPW for lamps with a minimum rated initial lumen value greater than 6,000 and a maximum initial lumen value of 15,000; and

''(2) 34 LPW for lamps with a rated initial lumen value greater than 15,000 and less than 40,000.

''(i) GENERAL PURPOSE MERCURY VAPOR LAMPS.—A general purpose mercury vapor lamp shall not be manufactured on or after January 1, 2016.''.

(c) TEST METHODS.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

''(10) POLE-MOUNTED OUTDOOR LUMINAIRES.—

''(A) IN GENERAL.—With respect to pole-mounted outdoor luminaires to which standards are applicable under section 342, the test methods shall be those described in this paragraph.

''(B) PHOTOMETRIC TEST METHODS.—For photometric test methods, the methods shall be those specified in—

''(i) IES LM–10–96—Approved Method for Photometric Testing of Outdoor Fluorescent Luminaires;

''(ii) IES LM–31–95—Photometric Testing of Roadway Luminaires Using Incandescent Filament and High Intensity Discharge Lamps;

''(iii) IES LM–79–08—Electrical and Photometric Measurements of Solid-State Lighting Products;

''(iv) IES LM–80–08—Measuring Lumen Maintenance of LED Light Sources;

''(v) IES LM–40–01—Life testing of Fluorescent Lamps;

''(vi) IES LM–47–01—Life testing of High Intensity Discharge (HID) Lamps;

''(vii) IES LM–49–01—Life testing of Incandescent Filament Lamps;

''(viii) IES LM–60–01—Life testing of Low Pressure Sodium Lamps; and

''(ix) IES LM–65–01—Life testing of Compact Fluorescent Lamps.

''(C) OUTDOOR BACKLIGHT, UPLIGHT, AND GLARE RATINGS.—For determining outdoor backlight, uplight, and glare ratings, the classifications shall be those specified in IES TM–15–07 - Luminaire Classification System for Outdoor Luminaires with Addendum A.

''(D) TARGET EFFICACY RATING.—For determining the target efficacy rating, the procedures shall be those specified in NEMA LE–6–2009 – 'Procedure for Determining Target Efficacy Ratings (TER) for Commercial, Industrial and Residential Luminaires,' and all of the following additional criteria (as applicable):

''(i) The target efficacy rating shall be calculated based on the initial rated lamp lumen and rated watt value equivalent to the lamp with which the luminaire is shipped, or, if not shipped with a lamp, the target efficacy rating shall be calculated based on—

''(I) the applicable standard lamp as established by subparagraph (E); or

''(II) a lamp that has a rated wattage and rated initial lamp lumens that are the same as the maximum lamp watts and minimum lamp lumens labeled on the luminaire, in accordance with section 344(f).

''(ii) If the luminaire is designed to operate at more than 1 nominal input voltage, the ballast input watts used in the target efficacy rating calculation shall be the highest value for any nominal input voltage for which the ballast is designed to operate.

''(iii) If the luminaire is a pole-mounted outdoor luminaire that contains a ballast that is labeled to operate lamps of more than 1 wattage, the luminaire shall—

''(I) meet or exceed the target efficacy rating in the table in section 342(g)(1)(A) calculated in accordance with clause (i) for all lamp wattages that the ballast is labeled to operate;

''(II) be constructed such that the luminaire is only capable of accepting lamp wattages that produce target efficacy ratings that meet or exceed the values in the table in section 342(g)(1)(A) calculated in accordance with clause (i); or

''(III) be rated and prominently labeled for a maximum lamp wattage that results in the luminaire meeting or exceeding the target efficacy rating in the table in section 342(g)(1)(A) when calculated and labeled in accordance with clause (i).

''(iv) If the luminaire is a pole-mounted outdoor luminaire that is constructed such that the luminaire will only accept an ANSI Type-O lamp, the luminaire shall meet or exceed the target efficacy rating in the table in section 342(g)(1)(A) when tested with an ANSI Type-O lamp.

''(v) If the luminaire is a pole-mounted outdoor luminaire that is marketed to use a coated lamp, the luminaire shall meet or exceed the target efficacy rating in the table in section 342(g)(1)(A) when tested with a coated lamp.

''(vi) If the luminaire is a solid state lighting pole-mounted outdoor luminaire, the luminaire shall have its target efficacy rating calculated based on the combination of absolute luminaire lumen values and input wattages that results in the lowest possible target efficacy rating for any light source, including ranges of correlated color temperature and color rendering index values, for which the luminaire is marketed by the luminaire manufacturer.

''(vii) If the luminaire is a high intensity discharge pole-mounted outdoor luminaire using a ballast that has a ballast factor different than 1, the target efficacy rating of the luminaire shall be calculated by using the input watts needed to operate the lamp at full rated power, or by using the actual ballast factor of the ballast.

''(E) TABLE OF STANDARD LAMP TYPES.—

''(i) IN GENERAL.—The National Electrical Manufacturers Association shall develop and publish not later than 1 year after the date of enactment of this paragraph and thereafter maintain and regularly update on a publicly available website a table including standard lamp types by wattage, ANSI code, initial lamp lumen value, lamp orientation, and lamp finish.

''(ii) INITIAL LAMP LUMEN VALUES.—The initial lamp lumen values shall—

''(I) be determined according to a uniform rating method and tested according to accepted industry practice for each lamp that is considered for inclusion in the table; and

''(II) in each case contained in the table, be the lowest known initial lamp lumen value that approximates typical performance in representative general outdoor lighting applications.

''(iii) ACTIONS.—On completion of the table required by this subparagraph and any updates to the table—

''(I) the National Electrical Manufacturers Association shall submit the table and any updates to the Secretary; and

''(II) the Secretary shall—

''(aa) publish the table and any comments that are included with the table in the Federal Register;

''(bb) solicit public comment on the table; and

''(cc) not later than 180 days after date of receipt of the table, after considering the factors described in clause (iv), adopt the table for purposes of this part.

''(iv) REBUTTABLE PRESUMPTION.—

''(I) IN GENERAL.—There shall be a rebuttable presumption that the table and any updates to the table transmitted by the National Electrical Manufacturers Association to the Secretary meets the requirements of this subparagraph, which may be rebutted only if the Secretary finds by clear and substantial evidence that—

''(aa) data have been included that were not the result of having applied applicable industry standards; or

''(bb) lamps have been included in the table that are not representative of general outdoor lighting applications.

''(II) CONFORMING CHANGES.—If subclause (I) applies, the National Electrical Manufacturers Association shall conform the published table of the Association to the table adopted by the Secretary.

''(v) NONTRANSMISSION OF TABLE.—If the National Electrical Manufacturers Association has not submitted the table to the Secretary within 1 year after the date of enactment of this paragraph, the Secretary shall develop, publish, and adopt the table not later than 18 months after the date of enactment of this paragraph and update the table regularly.

''(F) AMENDMENT OF TEST METHODS.—The Secretary may, by rule, adopt new or additional test methods for pole-mounted outdoor luminaires in accordance with this section.''.

(d) LABELING.—Section 344 of the Energy Policy and Conservation Act (42 U.S.C. 6315) is amended—

(1) in subsections (d) and (e), by striking ''(h)'' each place it appears and inserting ''(i)'';

(2) by redesignating subsections (f) through (k) as subsections (g) through (l), respectively; and

(3) by inserting after subsection (e) the following:

''(f) LABELING RULES FOR POLE-MOUNTED OUTDOOR LUMINAIRES.—

''(1) IN GENERAL.—Subject to subsection (i), not later than 1 year after the date of enactment of this paragraph, the Secretary shall establish labeling rules under this part for pole-mounted outdoor luminaires manufactured on or after the date on which standards established under section 342(g) take effect.

''(2) RULES.—The rules shall require—

''(A) for pole-mounted outdoor luminaires, that the luminaire, be marked with a capital letter 'P' printed within a circle in a conspicuous location on both the pole-mounted luminaire and its packaging to indicate that the pole-mounted outdoor luminaire conforms to the energy conservation standards established in section 342(g); and

''(B) for pole-mounted outdoor luminaires that do not contain a lamp in the same shipment with the luminaire and are tested with a lamp with a lumen rating exceeding the standard lumen value specified in the table established under section 343(a)(10)(E), that the luminaire—

''(i) be labeled to identify the minimum rated initial lamp lumens and maximum rated lamp watts required to conform to the energy conservation standards established in section 342(g); and

''(ii) bear a statement on the label that states: 'Product violates Federal law when installed with a standard lamp. Use only a lamp that meets the minimum lumens and maximum watts provided on this label.'''.

(e) PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) in the first sentence of subsection (a), by striking ''The'' and inserting ''Except as otherwise provided in this section, the''; and

(2) by adding at the end the following:

''(i) POLE-MOUNTED OUTDOOR LUMINAIRES AND HIGH LIGHT OUTPUT DOUBLE-ENDED QUARTZ HALOGEN LAMPS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), section 327 shall apply to pole-mounted outdoor luminaires and high light output double-ended quartz halogen lamps to the same extent and in the same manner as the section applies under part B.

''(2) STATE ENERGY CONSERVATION STANDARDS.—Any State energy conservation standard that is adopted on or before January 1, 2015, pursuant to a statutory requirement to adopt efficiency standard for reducing outdoor lighting energy use enacted prior to January 31, 2008, shall not be preempted.''.

SEC. 7. ENERGY EFFICIENCY PROVISIONS.

(a) DIRECT FINAL RULE.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by adding at the end the following:

''(B) TEST PROCEDURES.—The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

''(C) NEW OR AMENDED TEST PROCEDURES.—The Secretary shall direct the National Bureau of Standards to assist in developing new or amended test procedures.

''(D) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p)(4).''.

(b) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended—

(1) in paragraph (2)(B)—

(A) in clause (i)—

(i) in subclause (III), by adding before the semicolon ''and the estimated impact on average energy prices'';

(ii) in subclause (VI), by striking ''; and'' and inserting a semicolon;

(iii) by redesignating subclause (VII) as subclause (VIII); and

(iv) by inserting after subclause (VI) the following:

''(VII) the net energy, environmental, and economic impacts due to smart grid technologies or capabilities in a covered product that enable demand response or response to time-dependent energy pricing, taking into consideration the rate of use of the smart grid technologies or capabilities over the life of the product that is likely to result from the imposition of the standard; and''; and

(B) in clause (iii)—

(i) by striking ''(iii) If the Secretary finds'' and inserting the following:

''(iii) REBUTTABLE PRESUMPTION.—

''(I) IN GENERAL.—Subject to subclause (II), if the Secretary finds'';

(ii) in subclause (I) (as designated by clause (i)), by striking ''three'' and inserting ''4''; and

(iii) by striking the second sentence and inserting the following:

''(II) MULTIPLIER FOR CERTAIN PRODUCTS.—For any product with an average expected useful life of less than 4 years, the rebuttable presumption described in subclause (I) shall be determined using 75 percent of the average expected useful life of the product as a multiplier instead of 4.

''(III) REQUIREMENT FOR REBUTTAL OF PRESUMPTION.—A presumption described in subclause (I) may be rebutted only if the Secretary finds, based on clear and substantial evidence, that—

''(aa) the standard level would cause substantial hardship to the average consumer of the product, or to manufacturers supplying a significant portion of the market for the product, in terms of manufacturing or product cost or loss of product utility or features, the aggregate of which outweighs the benefits of the standard level;

''(bb) the standard and implementing regulations cannot reasonably be designed to avoid or mitigate any hardship described in item (aa) (including through the adoption of regional standards for the products identified in, and consistent with, paragraph (6) or other reasonable means consistent with this part) and the hardship cannot be avoided or mitigated through the procedures described in section 504 of the Department of Energy Organization Act (42 U.S.C. 7194); and

''(cc) the same or a substantially similar hardship with respect to a hardship described in item (aa) would not occur under a standard adopted in the absence of the presumption, but that otherwise meets the requirements of this section.

''(IV) PROHIBITED FACTORS FOR DETERMINATION.—

''(aa) IN GENERAL.—Except as provided in item (bb), a determination by the Secretary that the criteria triggering a presumption described in subclause (I) are not met, or that the criterion for rebutting the presumption are met, shall not be taken into consideration by the Secretary in determining whether a standard is economically justified.

''(bb) EXCEPTION.—Evidence presented regarding the presumption may be considered by the Secretary in making a determination described in item (aa).''; and

(2) by adding at the end the following:

''(7) INCORPORATION OF SMART GRID TECHNOLOGIES.—The Secretary may incorporate smart grid technologies or capabilities into standards under this section, including through—

''(A) standards for covered products that require specific technologies or capabilities;

''(B) standards that provide credit for smart grid technologies or capabilities, to the extent the smart grid technologies or capabilities provide net benefits substantially equivalent to benefits of products that meet the standards without smart grid technologies or capabilities, taking into consideration energy, economic, and environmental impacts (including emissions reductions from electrical generation); and

''(C) multiple performance standards or design requirements to achieve—

''(i) the goals of—

''(I) reducing overall energy use; and

''(II) reducing peak demand; or

''(ii) other smart grid goals.''.

(c) OBTAINMENT OF APPLIANCE INFORMATION FROM MANUFACTURERS.—Section 326 of the Energy Policy and Conservation Act (42 U.S.C. 6296) is amended by striking subsection (d) and inserting the following:

''(d) INFORMATION REQUIREMENTS.—

''(1) IN GENERAL.—For purposes of carrying out this part, the Secretary shall promulgate proposed regulations not later than 1 year after the date of enactment of the National Energy Efficiency Enhancement Act of 2010, and after receiving public comment, final regulations not later than 18 months after the date of enactment of that Act, under this part or other provision of law administered by the Secretary, that shall require each manufacturer of a covered product, on a product specific basis, to submit information or reports to the Secretary—

''(A) in such form as the Secretary may adopt; and

''(B) on—

''(i) an annual basis; or

''(ii) any other regular basis that is not less frequent than once every 3 years.

''(2) FORM AND CONTENT OF REPORTS.—The form and content of each report required by a manufacturer of a covered product under paragraph (1)—

''(A) may vary by product type, as determined by the Secretary; and

''(B) shall include information or data regarding—

''(i) the compliance by the manufacturer with respect to each requirement applicable pursuant to this part;

''(ii) the annual shipments by the manufacturer of each class or category of covered products, subdivided, to the extent practicable, by—

''(I) energy efficiency, energy use, and, if applicable, water use;

''(II) the presence or absence of such efficiency related or energy consuming operational characteristics or components as the Secretary determines to be relevant for the purposes of carrying out this part; and

''(III) the State or regional location of sale for covered products for which the Secretary may adopt regional standards; and

''(iii) such other categories of information that the Secretary determines to be relevant to carry out this part, including such other information that may be necessary—

''(I) to establish and revise—

''(aa) test procedures;

''(bb) labeling rules; and

''(cc) energy conservation standards;

''(II) to ensure compliance with the requirements of this part; and

''(III) to estimate the impacts on consumers and manufacturers of energy conservation standards in effect as of the reporting date.

''(3) REQUIREMENTS OF SECRETARY IN PROMULGATING REGULATIONS.—In promulgating regulations under paragraph (1), the Secretary shall consider—

''(A) existing public sources of information, including nationally recognized certification or verification programs of trade associations; and

''(B)(i) whether some or all of the information described in paragraph (2) is submitted to another Federal agency; and

''(ii) the means by which to minimize any duplication of requests for information by Federal agencies.

''(4) MINIMIZATION OF BURDENS ON MANUFACTURERS.—In carrying out this subsection, the Secretary shall exercise the authority of the Secretary under this subsection in a manner designed to minimize burdens on the manufacturers of covered products.

''(5) REPORTING OF ENERGY INFORMATION.—

''(A) IN GENERAL.—Subject to subparagraph (B), section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796(d)) shall apply with respect to information obtained under this subsection to the same extent and in the same manner as section 11(d) of that Act applies with respect to energy information obtained under section 11 of that Act.

''(B) ADMINISTRATION.—Subparagraph (A) shall apply to the extent that subparagraph (A) does not conflict with the duties of the Secretary in carrying out this part.

''(6) COORDINATION WITH STATE AGENCIES.—In adopting reporting requirements under paragraph (1), the Secretary shall, to the extent practicable, coordinate with State agencies that conduct similar data gathering initiatives—

''(A) to ensure the uniformity of the requirements; and

''(B) to mitigate reporting burdens.

''(7) PERIODIC REVISIONS.—In accordance with each procedure and criteria required under paragraph (1), the Secretary may periodically revise the reporting requirements adopted under paragraph (1).''.

(d) WAIVER OF FEDERAL PREEMPTION.—Section 327(d)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(d)(1)) is amended—

(1) in subparagraph (B)—

(A) by inserting ''(i)'' before ''Subject to paragraphs''; and

(B) by adding at the end the following:

''(ii) In making a finding under clause (i), the Secretary may not reject a petition for failure of the petitioning State or river basin commission to produce confidential information maintained by any manufacturer or distributor, or group or association of manufacturers or distributors, that the petitioning party has requested and not received.''; and

(2) in the matter following subparagraph (C)(ii), by adding at the end the following: ''Notwithstanding the preceding sentence, the Secretary may approve a waiver petition submitted by a State that does not have an energy plan and forecast if the waiver petition concerns a State regulation adopted pursuant to a notice and comment rulemaking proceeding.''

(e) PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended to read as follows:

''SEC. 334. PERMITTING STATES TO SEEK INJUNCTIVE ENFORCEMENT.

''(a) JURISDICTION.—The United States district courts shall have original jurisdiction of a civil action seeking an injunction to restrain—

''(1) any violation of section 332; and

''(2) any person from distributing in commerce any covered product that does not comply with an applicable rule under section 324 or 325.

''(b) AUTHORITY.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an action under subsection (a) shall be brought by—

''(A) the Commission; or

''(B) the attorney general of a State in the name of the State.

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), only the Secretary may bring an action under this section to restrain—

''(i) a violation of section 332(a)(3) relating to a requirement prescribed by the Secretary; or

''(ii) a violation of section 332(a)(4) relating to a request by the Secretary under section 326(b)(2).

''(B) OTHER PROHIBITED ACTS.—An action under this section regarding a violation of paragraph (5) or (7) of section 332(a) shall be brought by—

''(i) the Secretary; or

''(ii) the attorney general of a State in the name of the State.

''(c) LIMITATION.—If an action under this section is brought by the attorney general of a State—

''(1) not less than 30 days before the date of commencement of the action, the State shall—

''(A) provide written notice to the Secretary and the Commission; and

''(B) provide the Secretary and the Commission with a copy of the complaint;

''(2) the Secretary and the Commission—

''(A) may intervene in the suit or action;

''(B) upon intervening, shall be heard on all matters arising from the suit or action; and

''(C) may file petitions for appeal;

''(3) no separate action may be brought under this section if, at the time written notice is provided under paragraph (1), the same alleged violation or failure to comply is the subject of a pending action, or a final judicial judgment or decree, by the United States under this Act; and

''(4) the action shall not be construed—

''(A) as to prevent the attorney general of a State, or other authorized officer of the State, from exercising the powers conferred on the attorney general, or other authorized officer of the State, by the laws of the State (including regulations); or

''(B) as to prohibit the attorney general of a State, or other authorized officer of the State, from proceeding in a Federal or State court on the basis of an alleged violation of any civil or criminal statute of the State.

''(d) VENUE; SERVICE OF PROCESS.—

''(1) VENUE.—An action under this section may be brought in the United States district court for—

''(A) the district in which the act, omission, or transaction constituting the applicable violation occurred; or

''(B) the district in which the defendant—

''(i) resides; or

''(ii) transacts business.

''(2) SERVICE OF PROCESS.—In an action under this section, process may be served on a defendant in any district in which the defendant resides or is otherwise located.''.

(f) TREATMENT OF APPLIANCES WITHIN BUILDING CODES.—Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended by adding at the end the following:

''(h) RECOGNITION OF ALTERNATIVE REFRIGERANT USES.—With respect to State or local laws (including regulations) prohibiting, limiting, or restricting the use of alternative refrigerants for specific end uses approved by the Administrator of the Environmental Protection Agency pursuant to the Significant New Alternatives Program under section 612 of the Clean Air Act (42 U.S.C. 7671k) for use in a covered product under section 322(a)(1) considered on or after the date of enactment of this subsection, notice shall be provided to the Administrator before or during any State or local public comment period to provide to the Administrator an opportunity to comment.''.

(g) TECHNICAL AMENDMENT.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended by redesignating the second paragraph (6) as paragraph (7).

SECTION BY SECTION SUMMARY OF THE NATIONAL ENERGY EFFICIENCY ENHANCEMENT ACT OF 2010

Sec. 1. Short Title.

Sec. 2. Energy Conservation Standards.

(a) Amends section 321 of EPCA for the definition of ''energy efficiency standard'' to allow DOE to establish more than one performance standard, and adds definitions for ''EER'' and ''HSPF''.

(b) Amends section 323(b) to establish test procedures for EER and HSPF.

(c) Amends section 325(d) to establish regional and increased energy efficiency standards for central air conditioners and heat pumps, and related equipment, to be effective on or after Jan 1, 2015, and sets forth dates for the consideration of future standards.

(d) Amends section 325(d) to establish definitions for Through-the-Wall air conditioning and heat pump systems, and small-duct, high velocity systems, and directs DOE to set standards for these products to be effective on or after June 30, 2016.

(e) Amends section 325(f) to establish definitions and regional standards for non-weatherized gas and oil furnaces to be effective on or after May, 2013; and for weatherized gas furnaces, to be effective on or after January 1, 2015.

(f) Amends section 327(f) to provide that State building codes may provide for products that have efficiencies that exceed applicable Federal standards, within certain limits and if such State code provides for combinations of energy items to meet the code objectives that includes at least one combination that does not exceed Federal products standards.

Sec. 3. Energy Conservation Standards for Heat Pump Pool Heaters.

Amends sections 321 and 325 to provide definitions and establish efficiency standards for heat pump pool heaters.

Sec. 4. Efficiency Standards for Class A external Power Supplies.

Amends section 325(u) to provide a definition for ''security or life safety alarm or surveillance system'' and provides an exemption for certain such products from the ''no load'' portion of the Federal efficiency standards until July 1, 2017.

Sec. 5. Prohibited Acts.

Amends section 332 to clarify that representatives of manufacturers, distributers, and retailers, just as manufacturers and private labelers currently, are prohibited from the sale and distribution of products that do not meet the Federal minimum efficiency standards.

Sec 6. Outdoor Lighting.

Amends sections 340, 342, 343, 344, and 345 to provide definitions, efficiency standards, rulemaking deadlines and effective dates, test methods, labeling and preemption treatment for pole-mounted outdoor lighting products (e.g. street and parking lot light fixtures, bulbs and controls). Also sets standards for double-ended halogen lamps (high wattage incandescent lamps generally used outdoors) and ends the production of standard mercury vapor lamps, effective 2016, completing the transition to higher efficiency lighting sources begun when inefficient mercury vapor fixtures and ballasts were phased out in EPAct 2005.

Sec. 7. Energy Efficiency Provisions.

(a) Direct Final Rule. Amends section 323 to permit DOE to accelerate the prescription of consensus test procedures and to direct the National Bureau of Standards to assist in developing or amending test procedures.

(b) Criteria for Prescribing New or Amended Standards. Amends section 325(o) to: (A) add ''impact on average energy prices'' and ''impacts due to smart grid'' as new criteria for setting efficiency standards, (B) establishes a rebuttable presumption for what DOE determines to be a minimum ''technically feasible and economically justified'' efficiency standard, and (C) authorizes DOE to include smart grid technologies into product standards, listing credits and other options for including these technologies.

(c) Obtainment of Appliance Information from Manufacturers. Amends section 326 to direct DOE to require manufacturers to submit specific product information to DOE such as compliance, annual shipments, and energy use and efficiency, and to coordinate information gathering activities with State agencies.

(d) Waiver of Federal Preemption. Amends section 327(d) to clarify that DOE may not reject a State waiver petition for failure of the State to produce information that is confidentially maintained by any manufacturer or others and from whom the State has requested, but not received, the information.

(e) Permitting States to Seek Injunctive Enforcement. Amends section 334 to authorize and prescribe the procedures by which a State may seek an injunction to restrain certain violations of the DOE efficiency program.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 429—MAKING MINORITY PARTY APPOINTMENTS FOR CERTAIN COMMITTEES FOR THE 111TH CONGRESS

Mr. MCCONNELL submitted the following resolution; which was considered and agreed to:

S. RES. 429

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Brown, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown, Mr. McCain, Mr. Voinovich, Mr. Ensign, and Mr. Graham.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown, and Mr. Graham.

SENATE CONCURRENT RESOLUTION 52—EXPRESSING SUPPORT FOR THE DESIGNATION OF MARCH 20 AS A NATIONAL DAY OF RECOGNITION FOR LONG-TERM CARE PHYSICIANS

Mr. CHAMBLISS submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 52

Whereas a National Day of Recognition for Long-Term Care Physicians is designed to honor and recognize physicians who care for an ever-growing elderly population in different settings, including skilled nursing facilities, assisted living, hospice, continuing care retirement communities, post-acute care, home care, and private offices;

Whereas the average long-term care physician has nearly 20 years of practice experience and dedicates themselves to 1 or 2 facilities with nearly 100 residents and patients;

Whereas the American Medical Directors Association is the professional association of medical directors, attending physicians, and others practicing in the long-term continuum and is dedicated to excellence in patient care and provides education, advocacy, information, and professional development to promote the delivery of quality long-term care medicine; and

Whereas the American Medical Directors Association would like to honor founder and long-term care physician William A. Dodd, M.D., C.M.D., who was born on March 20, 1921: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress expresses support for—

(1) the designation of March 20 as a National Day of Recognition for Long-Term Care Physicians; and

(2) the goals and ideals of a National Day of Recognition for Long-Term Care Physicians.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3346. Mr. LEAHY (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3347. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3348. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3349. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3350. Ms. STABENOW (for herself, Mr. HATCH, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3351. Mr. REED (for himself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3352. Mr. GRASSLEY (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. ENSIGN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3353. Mr. SANDERS (for himself, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3354. Mr. WHITEHOUSE (for himself, Mr. SCHUMER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 3355. Mr. BUNNING proposed an amendment to the bill H.R. 4691, to provide a temporary extension of certain programs, and for other purposes.

SA 3356. Mrs. MURRAY (for herself, Mr. HARKIN, Mrs. BOXER, Mr. BEGICH, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 3357. Mr. DODD (for himself, Ms. STABENOW, Mr. LEVIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3346. Mr. LEAHY (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 537, and insert the following:

SEC. 537. EFFECTIVE DATE; NONINFRINGEMENT OF COPYRIGHT.

(a) EFFECTIVE DATE.—Unless specifically provided otherwise, this title, and the amendments made by this title, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.

(b) NONINFRINGEMENT OF COPYRIGHT.—The secondary transmission of a performance or display of a work embodied in a primary transmission is not an infringement of copyright if it was made by a satellite carrier on or after February 27, 2010, and prior to enactment of this Act, and was in compliance with the law as in existence on February 27, 2010.

SA 3347. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LEASES OF RESTRICTED LAND.

Subsection (a) of the first section of the Act of August 9, 1955 (25 U.S.C. 415(a)), is amended in the second sentence by inserting ''land held in trust for the Coquille Indian Tribe, land held in trust for the Confederated Tribes of Siletz Indians, land held in trust for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, land held in trust for the Klamath Tribes, and land held in trust for the Burns Paiute Tribe,'' after ''lands held in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon,''.

SA 3348. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 103. EMPLOYEE PAYROLL TAX RATE CUT.

(a) IN GENERAL.—For the 6-calendar-month period beginning after the date which is 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall reduce the rate of tax under section 3101(a) of the Internal Revenue Code of 1986 and 50 percent of the rate of tax under section 1401(a) of such Code by such percentage such that the resulting reduction in revenues to the Federal Old-Age and Survivors Insurance Trust Fund is equal to 100 percent of the amounts appropriated or made available and remaining unobligated under the American Recovery and Reinvestment Act of 2009 (Pub. Law 111–5) as of the date of the enactment of this Act.

(b) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendment not been enacted.

(c) REPLENISHMENT OF GENERAL FUND THROUGH RESCISSION OF CERTAIN STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), from the amounts appropriated or made available under division A of such Act (other than under title X of such division A), there is rescinded any remaining unobligated amounts as of the date of the enactment of this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

(d) EMERGENCY DESIGNATION.—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)) and section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010. In the House of Representatives, this section is designated as an emergency for purposes of pay-as-you-go principles.

SA 3349. Mr. DODD submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 21, after the second period insert the following: ''The amendment made by this section shall be considered to have taken effect on February 28, 2010.''.

SA 3350. Ms. STABENOW (for herself, Mr. HATCH, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 602. ELECTION TO TEMPORARILY UTILIZE UNUSED AMT CREDITS DETERMINED BY DOMESTIC INVESTMENT.

(a) IN GENERAL.—Section 53 is amended by adding at the end the following new subsection:

''(g) ELECTION FOR CORPORATIONS WITH UNUSED CREDITS.—

''(1) IN GENERAL.—If a corporation elects to have this subsection apply, then notwithstanding any other provision of law, the limitation imposed by subsection (c) for any such taxable year shall be increased by the AMT credit adjustment amount.

''(2) AMT CREDIT ADJUSTMENT AMOUNT.—For purposes of paragraph (1), the term 'AMT credit adjustment amount' means with respect to any taxable year beginning in 2010, the lesser of—

''(A) a corporation's minimum tax credit determined under subsection (b), or

''(B) 20 percent of new domestic investments made during such taxable year.

''(3) NEW DOMESTIC INVESTMENTS.—For purposes of this subsection, the term 'new domestic investments' means the cost of qualified property (as defined in section 168(k)(2)(A)(i))—

''(A) the original use of which commences with the taxpayer during the taxable year, and

''(B) which is placed in service in the United States by the taxpayer during such taxable year.

''(4) CREDIT REFUNDABLE.—For purposes of subsections (b) and (c) of section 6401, the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not to any other subpart).

''(5) ELECTION.—

''(A) IN GENERAL.—An election under this subsection shall be made at such time and in such manner as prescribed by the Secretary, and once effective, may be revoked only with the consent of the Secretary.

''(B) INTERIM ELECTIONS.—Until such time as the Secretary prescribes a manner for making an election under this subsection, a taxpayer is treated as having made a valid election by providing written notification to the Secretary and the Commissioner of Internal Revenue of such election.

''(6) AGGREGATION RULE.—For purposes of this subsection—

''(A) all corporations which are members of an affiliated group of corporations filing a consolidated tax return, and

''(B) all partnerships in which more than 90 percent of the capital and profits interest in the partnership are owned by the corporation (directly or indirectly) at all times during the taxable year in which an election under this subsection is in effect,

shall be treated as a single corporation.

''(7) APPLICATION TO PARTNERSHIPS.—In the case of a partnership—

''(A) this subsection shall be applied at the partner level, and

''(B) each partner shall be treated as having for the taxable year an amount equal to such partner's allocable share of the new domestic investment of the partnership for such taxable year (as determined under regulations prescribed by the Secretary).

''(8) NO DOUBLE BENEFIT.—Notwithstanding clause (iii)(II) of section 172(b)(1)(H), any taxpayer which has previously made an election under such section shall be deemed to have revoked such election by the making of its first election under this subsection.

''(9) REGULATIONS.—The Secretary may issue such regulations or other guidance as may be necessary or appropriate to carry out this subsection, including to prevent fraud and abuse under this subsection.

''(10) TERMINATION.—This subsection shall not apply to any taxable year that begins after December 31, 2010.''.

(b) QUICK REFUND OF REFUNDABLE CREDIT.—Section 6425 is amended by adding at the end the following new subsection:

''(e) ALLOWANCE OF AMT CREDIT ADJUSTMENT AMOUNT.—The amount of an adjustment under this section as determined under subsection (c)(2) for any taxable year may be increased to the extent of the corporation's AMT credit adjustment amount determined under section 53(g) for such taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 603. INFORMATION REPORTING FOR RENTAL PROPERTY EXPENSE PAYMENTS.

(a) IN GENERAL.—Section 6041 is amended by adding at the end the following new subsection:

''(h) TREATMENT OF RENTAL PROPERTY EXPENSE PAYMENTS.—

''(1) IN GENERAL.—For purposes of subsection (a), except as provided in paragraph (2), a person receiving rental income shall be considered to be in engaged in a trade or business of renting property.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) any individual who is an active member of the uniformed services,

''(B) any individual if substantially all rental income is derived from renting the principal residence (within the meaning of section 121) of such individual on a temporary basis,

''(C) any individual who receives rental income of not less than the minimal amount, as determined under regulations prescribed by the Secretary, and

''(D) any other individual for whom the requirements of this section would cause hardship, as determined under regulations prescribed by the Secretary.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2010.

SA 3351. Mr. REED (for himself, Ms. SNOWE, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REAUTHORIZATION OF NATIONAL OILHEAT RESEARCH ALLIANCE ACT OF 2000.

Section 713 of the National Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–469) is amended by striking ''the date that is 9 years after the date on which the Alliance is established'' and inserting ''February 6, 2011''.

SA 3352. Mr. GRASSLEY (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. ENSIGN, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—MEDICARE AND OTHER PROVISIONS

SEC. 801. CONFORMING REPEAL.

Sections 212 through 231, section 233, section 243, section 431, and section 601 of this Act are repealed.

SEC. 802. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE FOR THE LAST 10 MONTHS OF 2010.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended to read as follows:

''(10) UPDATE FOR 2010.—

''(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2010, the update to the single conversion factor shall be 0 percent for 2010.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.''.

SEC. 803. EXTENSION OF THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 804. TREATMENT OF PHARMACIES UNDER DURABLE MEDICAL EQUIPMENT ACCREDITATION REQUIREMENTS.

(a) IN GENERAL.—Section 1834(a)(20) of the Social Security Act (42 U.S.C. 1395m(a)(20)) is amended—

(1) in subparagraph (F)—

(A) in clause (i)—

(i) by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)'';

(ii) by striking ''January 1, 2010'' and inserting ''January 1, 2011''; and

(iii) by striking ''and'' at the end;

(B) in clause (ii)(II), by striking the period at the end and inserting ''; and'';

(C) by inserting after clause (ii)(II) the following new clause:

''(iii)(I) subject to subclause (II), with respect to items and services furnished on or after January 1, 2011, the accreditation requirement of clause (i) shall not apply to a pharmacy described in subparagraph (G); and

''(II) effective with respect to items and services furnished on or after the date of the enactment of this subparagraph, the Secretary may apply to pharmacies quality standards and an accreditation requirement established by the Secretary that are an alternative to the quality standards and accreditation requirement otherwise applicable under this paragraph if the Secretary determines such alternative quality standards and accreditation requirement are appropriate for pharmacies.''; and

(D) by adding at the end the following flush sentence:

''If determined appropriate by the Secretary, any alternative quality standards and accreditation requirement established under clause (iii)(II) may differ for categories of pharmacies established by the Secretary (such as pharmacies described in subparagraph (G)).''; and

(2) by adding at the end the following new subparagraph:

''(G) PHARMACY DESCRIBED.—A pharmacy described in this subparagraph is a pharmacy that meets each of the following criteria:

''(i) The total billings by the pharmacy for such items and services under this title are less than 5 percent of total pharmacy sales for a previous period (of not less than 24 months) specified by the Secretary.

''(ii) The pharmacy has been enrolled under section 1866(j) as a supplier of durable medical equipment, prosthetics, orthotics, and supplies, has been issued (which may include the renewal of) a provider number for at least 2 years, and for which a final adverse action (as defined in section 424.57(a) of title 42, Code of Federal Regulations) has not been imposed in the past 2 years.

''(iii) The pharmacy submits to the Secretary an attestation, in a form and manner, and at a time, specified by the Secretary, that the pharmacy meets the criteria described in clauses (i) and (ii).

''(iv) The pharmacy agrees to submit materials as requested by the Secretary, or during the course of an audit conducted on a random sample of pharmacies selected annually, to verify that the pharmacy meets the criteria described in clauses (i) and (ii). Materials submitted under the preceding sentence shall include a certification by an independent accountant on behalf of the pharmacy or the submission of tax returns filed by the pharmacy during the relevant periods, as requested by the Secretary.''.

(b) CONFORMING AMENDMENTS.—Section 1834(a)(20)(E) of the Social Security Act (42 U.S.C. 1395m(a)(20)(E)) is amended—

(1) in the first sentence, by striking ''The'' and inserting ''Except as provided in the third sentence, the''; and

(2) by adding at the end the following new sentences: ''Notwithstanding the preceding sentences, any alternative quality standards and accreditation requirement established under subparagraph (F)(iii)(II) shall be established through notice and comment rulemaking. The Secretary may implement by program instruction or otherwise subparagraph (G) after consultation with representatives of relevant parties. The specifications developed by the Secretary in order to implement subparagraph (G) shall be posted on the Internet website of the Centers for Medicare & Medicaid Services.''.

(c) ADMINISTRATION.—Chapter 35 of title 44, United States Code, shall not apply to this section.

(d) RULE OF CONSTRUCTION.—Nothing in the provisions of, or amendments made by, this section shall be construed as affecting the application of an accreditation requirement for pharmacies to qualify for bidding in a competitive acquisition area under section 1847 of the Social Security Act (42 U.S.C. 1395w–3).

(e) WAIVER OF 1-YEAR REENROLLMENT BAR.—In the case of a pharmacy described in subparagraph (G) of section 1834(a)(20) of the Social Security Act, as added by subsection (a), whose billing privileges were revoked prior to January 1, 2011, by reason of noncompliance with subparagraph (F)(i) of such section, the Secretary of Health and Human Services shall waive any reenrollment bar imposed pursuant to section 424.535(d) of title 42, Code of Federal Regulations (as in effect on the date of the enactment of this Act) for such pharmacy to reapply for such privileges.

SEC. 805. ENHANCED PAYMENT FOR MENTAL HEALTH SERVICES.

Section 138(a)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2010''.

SEC. 806. EXTENSION OF AMBULANCE ADD-ONS.

(a) IN GENERAL.—Section 1834(l)(13) of the Social Security Act (42 U.S.C. 1395m(l)(13)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''before January 1, 2010'' and inserting ''before January 1, 2011''; and

(B) in each of clauses (i) and (ii), by striking ''before January 1, 2010'' and inserting ''before January 1, 2011''.

(b) AIR AMBULANCE IMPROVEMENTS.—Section 146(b)(1) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''ending on December 31, 2009'' and inserting ''ending on December 31, 2010''.

(c) SUPER RURAL AMBULANCE.—Section 1834(l)(12)(A) of the Social Security Act (42 U.S.C. 1395m(l)(12)(A)) is amended—

(1) in the first sentence, by striking ''2010'' and inserting ''2011''; and

(2) by adding at the end the following new sentence: ''For purposes of applying this subparagraph for ground ambulance services furnished on or after January 1, 2010, and before January 1, 2011, the Secretary shall use the percent increase that was applicable under this subparagraph to ground ambulance services furnished during 2009.''.

SEC. 807. EXTENSION OF GEOGRAPHIC FLOOR FOR WORK.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w–4(e)(1)(E)) is amended by striking ''before January 1, 2010'' and inserting ''before January 1, 2011''.

SEC. 808. EXTENSION OF PAYMENT FOR TECHNICAL COMPONENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106–554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w–4 note), section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w–4 note), section 104 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), and section 136 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''and 2009'' and inserting ''2009, and 2010''.

SEC. 809. EXTENSION OF OUTPATIENT HOLD HARMLESS PROVISION.

(a) IN GENERAL.—Section 1833(t)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)) is amended—

(1) in subclause (II)—

(A) in the first sentence, by striking ''2010''and inserting ''2011''; and

(B) in the second sentence, by striking ''or 2009'' and inserting '', 2009, or 2010''; and

(2) in subclause (III), by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

(b) PERMITTING ALL SOLE COMMUNITY HOSPITALS TO BE ELIGIBLE FOR HOLD HARMLESS.—Section 1833(t)(7)(D)(i)(III) of the Social Security Act (42 U.S.C. 1395l(t)(7)(D)(i)(III)) is amended by adding at the end the following new sentence: ''In the case of covered OPD services furnished on or after January 1, 2010, and before January 1, 2011, the preceding sentence shall be applied without regard to the 100-bed limitation.''.

SEC. 810. EHR CLARIFICATION.

(a) QUALIFICATION FOR CLINIC-BASED PHYSICIANS.—

(1) MEDICARE.—Section 1848(o)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w–4(o)(1)(C)(ii)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(2) MEDICAID.—Section 1903(t)(3)(D) of the Social Security Act (42 U.S.C. 1396b(t)(3)(D)) is amended by striking ''setting (whether inpatient or outpatient)'' and inserting ''inpatient or emergency room setting''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as if included in the enactment of the HITECH Act (included in the American Recovery and Reinvestment Act of 2009 (Public Law 111–5)).

(c) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement the amendments made by this section by program instruction or otherwise.

SEC. 811. EXTENSION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.

Section 1880(e)(1)(A) of the Social Security Act (42 U.S.C. 1395qq(e)(1)(A)) is amended by striking ''5-year period'' and inserting ''6-year period''.

SEC. 812. EXTENSION OF CERTAIN PAYMENT RULES FOR LONG-TERM CARE HOSPITAL SERVICES AND OF MORATORIUM ON THE ESTABLISHMENT OF CERTAIN HOSPITALS AND FACILITIES.

(a) EXTENSION OF CERTAIN PAYMENT RULES.—Section 114(c) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (42 U.S.C. 1395ww note), as amended by section 4302(a) of the American Recovery and Reinvestment Act (Public Law 111–5), is amended by striking ''3-year period'' each place it appears and inserting ''4-year period''.

(b) EXTENSION OF MORATORIUM.—Section 114(d)(1) of such Act (42 U.S.C. 1395ww note), as amended by section 4302(b) of the American Recovery and Reinvestment Act (Public Law 111–5), in the matter preceding subparagraph (A), is amended by striking ''3-year period'' and inserting ''4-year period''.

SEC. 813. EXTENSION OF THE MEDICARE RURAL HOSPITAL FLEXIBILITY PROGRAM.

Section 1820(j) of the Social Security Act (42 U.S.C. 1395i–4(j)) is amended—

(1) by striking ''2010, and for'' and inserting ''2010, for''; and

(2) by inserting ''and for making grants to all States under subsection (g), such sums as may be necessary in fiscal year 2011, to remain available until expended'' before the period at the end.

SEC. 814. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.

(a) IN GENERAL.—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(b) SPECIAL RULE FOR FISCAL YEAR 2010.—For purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

SEC. 815. TECHNICAL CORRECTION RELATED TO CRITICAL ACCESS HOSPITAL SERVICES.

(a) IN GENERAL.—Subsections (g)(2)(A) and (l)(8) of section 1834 of the Social Security Act (42 U.S.C. 1395m) are each amended by inserting ''101 percent of'' before ''the reasonable costs''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 405(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2266).

SEC. 816. EXTENSION FOR SPECIALIZED MA PLANS FOR SPECIAL NEEDS INDIVIDUALS.

(a) IN GENERAL.—Section 1859(f)(1) of the Social Security Act (42 U.S.C. 1395w–28(f)(1)) is amended by striking ''2011'' and inserting ''2012''.

(b) TEMPORARY EXTENSION OF AUTHORITY TO OPERATE BUT NO SERVICE AREA EXPANSION FOR DUAL SPECIAL NEEDS PLANS THAT DO NOT MEET CERTAIN REQUIREMENTS.—Section 164(c)(2) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

SEC. 817. EXTENSION OF REASONABLE COST CONTRACTS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)) is amended, in the matter preceding subclause (I), by striking ''January 1, 2010'' and inserting ''January 1, 2011''.

SEC. 818. EXTENSION OF PARTICULAR WAIVER POLICY FOR EMPLOYER GROUP PLANS.

For plan year 2011 and subsequent plan years, to the extent that the Secretary of Health and Human Services is applying the 2008 service area extension waiver policy (as modified in the April 11, 2008, Centers for Medicare & Medicaid Services' memorandum with the subject ''2009 Employer Group Waiver-Modification of the 2008 Service Area Extension Waiver Granted to Certain MA Local Coordinated Care Plans'') to Medicare Advantage coordinated care plans, the Secretary shall extend the application of such waiver policy to employers who contract directly with the Secretary as a Medicare Advantage private fee-for-service plan under section 1857(i)(2) of the Social Security Act (42 U.S.C. 1395w–27(i)(2)) and that had enrollment as of January 1, 2010.

SEC. 819. EXTENSION OF CONTINUING CARE RETIREMENT COMMUNITY PROGRAM.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall continue to conduct the Erickson Advantage Continuing Care Retirement Community (CCRC) program under part C of title XVIII of the Social Security Act through December 31, 2011.

SEC. 820. FUNDING OUTREACH AND ASSISTANCE FOR LOW-INCOME PROGRAMS.

(a) ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE PROGRAMS.—Subsection (a)(1)(B) of section 119 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395b–3 note) is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Centers for Medicare & Medicaid Services Program Management Account—

''(i) for fiscal year 2009, of $7,500,000; and

''(ii) for fiscal year 2010, of $6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

(b) ADDITIONAL FUNDING FOR AREA AGENCIES ON AGING.—Subsection (b)(1)(B) of such section 119 is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Administration on Aging—

''(i) for fiscal year 2009, of $7,500,000; and

''(ii) for fiscal year 2010, of $6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

(c) ADDITIONAL FUNDING FOR AGING AND DISABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of such section 119 is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Administration on Aging—

''(i) for fiscal year 2009, of $5,000,000; and

''(ii) for fiscal year 2010, of $6,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

(d) ADDITIONAL FUNDING FOR CONTRACT WITH THE NATIONAL CENTER FOR BENEFITS AND OUTREACH ENROLLMENT.—Subsection (d)(2) of such section 119 is amended by striking ''(42 U.S.C. 1395w–23(f))'' and all that follows through the period at the end and inserting ''(42 U.S.C. 1395w–23(f)), to the Administration on Aging—

''(i) for fiscal year 2009, of $5,000,000; and

''(ii) for fiscal year 2010, of $2,000,000.

Amounts appropriated under this subparagraph shall remain available until expended.''.

SEC. 821. FAMILY-TO-FAMILY HEALTH INFORMATION CENTERS.

Section 501(c)(1)(A)(iii) of the Social Security Act (42 U.S.C. 701(c)(1)(A)(iii)) is amended by striking ''fiscal year 2009'' and inserting ''each of fiscal years 2009 through 2011''.

SEC. 822. IMPLEMENTATION FUNDING.

For purposes of carrying out the provisions of, and amendments made by, this title that relate to titles XVIII and XIX of the Social Security Act, there are appropriated to the Secretary of Health and Human Services for the Centers for Medicare & Medicaid Services Program Management Account, from amounts in the general fund of the Treasury not otherwise appropriated, $100,000,000. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 823. STATE COURT IMPROVEMENT PROGRAM.

Section 438 of the Social Security Act (42 U.S.C. 629h) is amended—

(1) in subsection (c)(2)(A), by striking ''2010'' and inserting ''2011''; and

(2) in subsection (e), by striking ''2010'' and inserting ''2011''.

SEC. 824. EXTENSION OF GAINSHARING DEMONSTRATION.

(a) IN GENERAL.—Subsection (d)(3) of section 5007 of the Deficit Reduction Act of 2005 (Public Law 109–171) is amended by inserting ''(or 21 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010, in the case of a demonstration project in operation as of October 1, 2008)'' after ''December 31, 2009''.

(b) FUNDING.—

(1) IN GENERAL.—Subsection (f)(1) of such section is amended by inserting ''and for fiscal year 2010, $1,600,000,'' after ''$6,000,000,''.

(2) AVAILABILITY.—Subsection (f)(2) of such section is amended by striking ''2010'' and inserting ''2014 or until expended''.

(c) REPORTS.—

(1) QUALITY IMPROVEMENT AND SAVINGS.—Subsection (e)(3) of such section is amended by striking ''December 1, 2008'' and inserting ''18 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010''.

(2) FINAL REPORT.—Subsection (e)(4) of such section is amended by striking ''May 1, 2010'' and inserting ''42 months after the date of the enactment of the American Workers, State, and Business Relief Act of 2010''.

SEC. 825. REVISION TO THE MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)), as amended by section 1011(b) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking ''$20,740,000,000'' and inserting ''$2,940,000,000''; and

(2) in subparagraph (B), by striking ''$550,000,000'' and inserting ''$4,550,000,000''.

SA 3353. Mr. SANDERS (for himself, Mr. DODD, Mr. WHITEHOUSE, Mr. LEAHY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follow:

On page 268, between lines 11 and 12, insert the following:

SEC. ___. EXTENSION AND MODIFICATION OF CERTAIN ECONOMIC RECOVERY PAYMENTS.

(a) SHORT TITLE.—This section may be cited as the ''Emergency Senior Citizens Relief Act of 2010''.

(b) EXTENSION AND MODIFICATION OF PAYMENTS.—Section 2201 of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) in subsection (a)(1)(A)—

(A) by inserting ''for each of calendar years 2009 and 2010'' after ''shall disburse'',

(B) by inserting ''(for purposes of payments made for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made for calendar year 2010)'' after ''the date of the enactment of this Act'', and

(C) by adding at the end the following new sentence: ''In the case of an individual who is eligible for a payment under the preceding sentence by reason of entitlement to a benefit described in subparagraph (B)(i), no such payment shall be made to such individual for calendar year 2010 unless such individual was paid a benefit described in such subparagraph (B)(i) for any month in the 12-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010.'',

(2) in subsection (a)(1)(B)(iii), by inserting ''(for purposes of payments made under this paragraph for calendar year 2009), or the 3-month period ending with the month which ends prior to the month that includes the date of the enactment of the Emergency Senior Citizens Relief Act of 2010 (for purposes of payments made under this paragraph for calendar year 2010)'' before the period at the end,

(3) in subsection (a)(2)—

(A) by inserting '', or who are utilizing a foreign or domestic Army Post Office, Fleet Post Office, or Diplomatic Post Office address'' after ''Northern Mariana Islands'', and

(B) by striking ''current address of record'' and inserting ''address of record, as of the date of certification under subsection (b) for a payment under this section'',

(4) in subsection (a)(3)—

(A) by inserting ''per calendar year (determined with respect to the calendar year for which the payment is made, and without regard to the date such payment is actually paid to such individual)'' after ''only 1 payment under this section'', and

(B) by inserting ''FOR THE SAME YEAR'' after ''PAYMENTS'' in the heading thereof,

(5) in subsection (a)(4)—

(A) by inserting ''(or, in the case of subparagraph (D), shall not be due)'' after ''made'' in the matter preceding subparagraph (A),

(B) by striking subparagraph (A) and inserting the following:

''(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if—

''(i) for the most recent month of such individual's entitlement in the applicable 3-month period described in paragraph (1); or

''(ii) for any month thereafter which is before the month after the month of the payment;

such individual's benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 of the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a–8a);'',

(C) in subparagraph (B), by striking ''3 month period'' and inserting ''applicable 3-month period'',

(D) by striking subparagraph (C) and inserting the following:

''(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if—

''(i) for the most recent month of such individual's eligibility in the applicable 3-month period described in paragraph (1); or

''(ii) for any month thereafter which is before the month after the month of the payment;

such individual's benefit under such paragraph was not payable by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a–8a); or'',

(E) by striking subparagraph (D) and inserting the following:

''(D) in the case of any individual whose date of death occurs—

''(i) before the date of the receipt of the payment; or

''(ii) in the case of a direct deposit, before the date on which such payment is deposited into such individual's account.'',

(F) by adding at the end the following flush sentence:

''In the case of any individual whose date of death occurs before a payment is negotiated (in the case of a check) or deposited (in the case of a direct deposit), such payment shall not be due and shall not be reissued to the estate of such individual or to any other person.'', and

(G) by adding at the end, as amended by subparagraph (F), the following new sentence: ''Subparagraphs (A)(ii) and (C)(ii) shall apply only in the case of certifications under subsection (b) which are, or but for this paragraph would be, made after the date of the enactment of Emergency Senior Citizens Relief Act of 2010, and shall apply to such certifications without regard to the calendar year of the payments to which such certifications apply.'',

(6) in subsection (a)(5)—

(A) by inserting '', in the case of payments for calendar year 2009, and no later than 120 days after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, in the case of payments for calendar year 2010'' before the period at the end of the first sentence of subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

''(B) DEADLINE.—No payment for calendar year 2009 shall be disbursed under this section after December 31, 2010, and no payment for calendar year 2010 shall be disbursed under this section after December 31, 2011, regardless of any determinations of entitlement to, or eligibility for, such payment made after whichever of such dates is applicable to such payment.'',

(7) in subsection (b), by inserting ''(except that such certification shall be affected by a

determination that an individual is an individual described in subparagraph (A), (B), (C), or (D) of subsection (a)(4) during a period described in such subparagraphs), and no individual shall be certified to receive a payment under this section for a calendar year if such individual has at any time been denied certification for such a payment for such calendar year by reason of subparagraph (A)(ii) or (C)(ii) of subsection (a)(4) (unless such individual is subsequently determined not to have been an individual described in either such subparagraph at the time of such denial)'' before the period at the end of the last sentence,

(8) in subsection (c), by striking paragraph (4) and inserting the following:

''(4) PAYMENTS SUBJECT TO OFFSET AND RECLAMATION.—Notwithstanding paragraph (3), any payment made under this section—

''(A) shall, in the case of a payment by direct deposit which is made after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, be subject to the reclamation provisions under subpart B of part 210 of title 31, Code of Federal Regulations (relating to reclamation of benefit payments); and

''(B) shall not, for purposes of section 3716 of title 31, United States Code, be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1), and all amounts paid shall be subject to offset under such section 3716 to collect delinquent debts.'',

(9) in subsection (e)—

(A) by striking ''2011'' and inserting ''2012'',

(B) by inserting ''section _____(c) of the Emergency Senior Citizens Relief Act of 2010,'' after ''section 2202,'' in paragraph (1), and

(C) by adding at the following new paragraph:

''(5)(A) For the Secretary of the Treasury, an additional $5,200,000 for purposes described in paragraph (1).

''(B) For the Commissioner of Social Security, an additional $5,000,000 for the purposes described in paragraph (2)(B).

''(C) For the Railroad Retirement Board, an additional $600,000 for the purposes described in paragraph (3)(B).

''(D) For the Secretary of Veterans Affairs, an additional $625,000 for the Information Systems Technology account''.

(c) EXTENSION OF SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.—

(1) IN GENERAL.—In the case of an eligible individual (as defined in section 2202(b) of the American Recovery and Reinvestment Tax Act of 2009, applied by substituting ''2010'' for ''2009''), with respect to the first taxable year of such individual beginning in 2010, section 2202 of the American Recovery and Reinvestment Tax Act of 2009 shall be applied by substituting ''2010'' for ''2009'' each place it appears.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 36A of the Internal Revenue Code of 1986 is amended by inserting '', and any credit allowed to the taxpayer under section _____(c)(1) of the Emergency Senior Citizens Relief Act of 2010'' after ''the American Recovery and Reinvestment Tax Act of 2009''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICATION OF RULE RELATING TO DECEASED INDIVIDUALS.—The amendment made by subsection (a)(5)(F) shall take effect as if included in section 2201 of the American Recovery and Reinvestment Tax Act of 2009.

(e) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 3354. Mr. WHITEHOUSE (for himself, Mr. SCHUMER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 269, after line 6, insert the following:

SEC. 801. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Energy Efficiency in Housing Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

SEC. 802. FINDINGS AND PURPOSES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) making the United States energy efficient is essential for enhancing national security, fighting climate change, and creating jobs;

(2) unchecked use of energy resources poses a significant threat to the national security, economy, public health, and welfare of the people of the United States, the well-being of other nations, and the global environment;

(3) prompt, decisive action is critical to encourage energy efficiency and conservation and the development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities; and

(4) it is possible and desirable to reduce energy consumption in the United States while employing—

(A) cost containment measures;

(B) periodic review of requirements;

(C) an aggressive program for deploying advanced energy technology; and

(D) programs to assist low- and middle-income energy consumers.

(b) PURPOSES.—The purposes of this title are—

(1) to encourage the use of energy efficiency and conservation methods in Federal housing programs;

(2) to expand the use of energy efficient mortgages;

(3) to provide for the development and installation of renewable energy sources for housing, commercial structures, and other buildings;

(4) to create sustainable communities;

(5) to support the creation of a stable ''green jobs'' sector by increasing demand for energy efficient products and professionals with expertise in green building standards; and

(6) to achieve these goals while preserving the development, benefits, and affordability of Federal housing programs.

SEC. 803. DEFINITIONS.

In this title, the following definitions shall apply:

(1) ENERGY AUDIT.—The term ''energy audit'' means an investment grade energy audit conducted for purposes of paragraph (2)(B)(iii), in accordance with such standards as the Secretary shall establish, after optional consultation with any advisory committee established pursuant to section 807(c)(2) of this title.

(2) ENHANCED ENERGY EFFICIENCY STANDARDS.—The term ''enhanced energy efficiency standards'' means any one of the following:

(A) GREEN BUILDING STANDARDS.—Green building standards, as that term is defined in paragraph (3).

(B) RESIDENTIAL STRUCTURES.—In the case of a residential single family or multifamily structure, standards established by the Secretary, by regulation, that—

(i) impose requirements additional to, or more stringent than, minimum energy efficiency standards, as that term is defined in paragraph (6);

(ii) in the case of a newly constructed structure, are identical to the Energy Star standards established by the Environmental Protection Agency, or any successor thereto adopted by the Secretary by regulation;

(iii) in the case of an existing structure, require a reduction in energy consumption from the previous level of consumption for the structure, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption, that exceeds the reduction necessary for compliance with minimum energy efficiency standards.

(C) NONRESIDENTIAL STRUCTURES.—In the case of a nonresidential structure, include such energy efficiency and conservation requirements, standards, checklists, or rating systems for nonresidential structures as the Secretary determines are necessary.

(3) GREEN BUILDING STANDARDS.—The term ''green building standards'' means systems and standards for residential and nonresidential structures that are established or adopted by the Secretary, by regulation, and that—

(A) require the use of sustainable design principles to—

(i) reduce the use of nonrenewable resources;

(ii) encourage energy efficient construction and rehabilitation and the use of renewable energy resources;

(iii) minimize the impact of development on the environment;

(iv) improve indoor air quality;

(v) maximize water conservation; and

(vi) encourage the selection of building materials that reduce adverse impacts on the environment;

(B) impose requirements additional to, or more stringent than, minimum energy efficiency standards, as that term is defined in paragraph (6);

(C) include—

(i) the national Green Communities criteria checklist for residential construction, which provides criteria for the design, development, and operation of affordable housing, or any successor thereto adopted by the Secretary by regulation;

(ii) the Leadership in Energy and Environmental Design (LEED) certification for new construction, the LEED for Homes rating system, the LEED for Core and Shell rating system, as applicable, or any successors thereto adopted by the Secretary by regulation;

(iii) the Green Globes assessment and rating system of the Green Building Initiative;

(iv) in the case of manufactured housing, the Energy Star standards established by the Environmental Protection Agency with respect to fixtures, appliances, and equipment in such housing, or any successor thereto adopted by the Secretary by regulation;

(v) the National Green Building Standard, only—

(I) if such standard is ratified under the American National Standards Institute process;

(II) upon expiration of the 180-day period beginning upon such ratification; and

(III) if, during such 180-day period, the Secretary does not reject the applicability of such standard for purposes of this paragraph; and

(vi) any other requirement, standard, checklist, or rating system for green building or sustainability that the Secretary—

(I) determines is necessary for a specific type of residential single family or multifamily structure; or

(II) may determine to adopt or apply not later than 180 days after the date of receipt of any written request, made in such form as the Secretary shall provide, for such adoption and application; and

(D) may be waived by the Secretary, if the Secretary determines that waiver of such regulations would promote enhanced energy efficiency or conservation.

(4) HUD.—The term ''HUD'' means the Department of Housing and Urban Development.

(5) HUD ASSISTANCE.—The term ''HUD assistance'' means financial assistance that is awarded, competitively or noncompetitively, allocated by formula, or provided by HUD through loan insurance or guarantee.

(6) MINIMUM ENERGY EFFICIENCY STANDARDS.—

(A) IN GENERAL.—The term ''minimum energy efficiency standards'' has the meaning given that term by regulations of the Secretary.

(B) REGULATIONS FOR RESIDENTIAL STRUCTURES.—Regulations issued by the Secretary under subparagraph (A) shall, in the case of a residential single family or multifamily structure—

(i) require the structure to comply with the applicable provisions of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1–2007, or any successor thereto adopted by the Secretary, by regulation;

(ii) require the structure to comply with the applicable provisions of the 2009 International Energy Conservation Code, or any successor thereto adopted by the Secretary, by regulation;

(iii) in the case of an existing structure—

(I) where the Secretary determines such action is cost effective, require—

(aa) the structure to have undergone rehabilitation or improvements that are completed after the date of enactment of this title; and

(bb) the energy consumption for the structure to have been reduced by not less than 20 percent from the previous level of consumption, as determined in accordance with energy audits performed both before and after any rehabilitation or improvements undertaken to reduce such consumption;

(II) if the structure has 4 stories or more, require the structure to demonstrate a 20 percent improvement in the proposed building performance rating when compared to a baseline building performance rating resulting from a whole building project simulation conducted in accordance with the Building Performance Rating Method in Appendix G of American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 90.1–2004, or any successor thereto adopted by the Secretary, by regulation; and

(III) if the structure has fewer than 4 stories, require the structure to demonstrate, by modeling based on the Home Energy Rating System Index of the Residential Energy Services Network, a 20 percent improvement in the proposed building performance rating; and

(iv) require the structure to comply with any provisions of such other energy efficiency requirements, standards, checklists, or ratings systems as the Secretary determines are necessary for a specific type of residential single family or multifamily structure; and

(C) REGULATIONS FOR NONRESIDENTIAL STRUCTURES.—Regulations issued by the Secretary under subparagraph (a) shall, in the case of a nonresidential structure that is constructed or rehabilitated with HUD assistance—

(i) require the structure to be not less than 30 percent more energy efficient than required by local residential and commercial building codes regarding energy efficiency; and

(ii) require the structure to comply with such additional energy efficiency requirements, standards, checklists, or rating systems as the Secretary determines are applicable to nonresidential structures.

(7) NONRESIDENTIAL STRUCTURES.—The term ''nonresidential structures'' means only nonresidential structures that are appurtenant to single family or multifamily housing residential structures, or those that are funded by the Secretary through the HUD Community Development Block Grant program established under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(8) SECRETARY.—The term ''Secretary'', unless otherwise specified, means the Secretary of Housing and Urban Development.

SEC. 804. IMPLEMENTATION OF ENERGY EFFICIENCY PARTICIPATION INCENTIVES FOR HUD PROGRAMS.

Not later than 180 days after the date of enactment of this title, the Secretary shall issue such regulations as may be necessary to establish annual energy efficiency participation incentives to encourage participants in programs administered by the Secretary, including recipients under programs for which HUD assistance is provided, to achieve substantial improvements in energy efficiency.

SEC. 805. INCENTIVES FOR ENERGY EFFICIENT MORTGAGES AND LOCATION EFFICIENT MORTGAGES.

(a) IN GENERAL.—The Secretary shall establish budget-neutral incentives for encouraging lenders to make, and homebuyers and homeowners to participate in, energy efficient mortgages and location efficient mortgages.

(b) INCENTIVES.—The incentives required under subsection (a) may include—

(1) fee reductions;

(2) fee waivers;

(3) interest rate reductions; and

(4) adjustment of mortgage qualifications.

(c) ADDITIONAL CONSIDERATION.—In establishing the incentives required under subsection (a), the Secretary shall consider the lower risk of default on energy efficient mortgages and location efficient mortgages in comparison to mortgages that are not energy efficient or location efficient.

(d) DEFINITIONS.—The terms ''energy efficient mortgage'' and ''location efficient mortgage'' have the same meaning as in section 1335(e) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565(e)) (as added by section 808 of this title).

SEC. 806. MORTGAGE INCENTIVES FOR ENERGY EFFICIENT MULTIFAMILY HOUSING.

(a) IN GENERAL.—The Secretary shall establish—

(1) incentives for increasing the energy efficiency of multifamily housing that is subject to a mortgage to be insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.) so that such housing meets minimum energy standards; and

(2) incentives to encourage compliance of such housing with enhanced energy efficiency standards, to the extent that such incentives are based on the impact that savings on utility costs have on the operating costs of the housing, as determined by the Secretary.

(b) INCENTIVES.—The incentives required under subsection (a) may include, for any such multifamily housing that meets minimum energy efficiency standards—

(1) providing a discount on the chargeable premiums for the mortgage insurance for such housing from the amount otherwise chargeable for such mortgage insurance;

(2) allowing mortgages to exceed the dollar amount limits otherwise applicable under law to the extent such additional amounts are used to finance improvements or measures designed to meet the standards referred to in subsection (a); and

(3) reducing the amount that the owner of such multifamily housing is required to contribute.

SEC. 807. ENERGY EFFICIENCY AND CONSERVATION DEMONSTRATION PROGRAM FOR MULTIFAMILY HOUSING PROJECTS ASSISTED WITH PROJECT-BASED RENTAL ASSISTANCE.

(a) AUTHORITY.—

(1) IN GENERAL.—For multifamily housing projects for which project-based rental assistance is provided under a covered multifamily assistance program, the Secretary

shall, subject to the availability of amounts provided in advance in appropriation Acts, carry out a program to demonstrate the effectiveness of funding a portion of the costs of meeting enhanced energy efficiency standards.

(2) INDIAN HOUSING.—At the discretion of the Secretary, the demonstration program required under paragraph (1) may include incentives for housing that is assisted with Indian housing block grants provided pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), but only to the extent that such inclusion does not violate such Act, regulations promulgated pursuant to such Act, and the goal of such Act of tribal self-determination.

(b) GOALS.—The demonstration program under this section shall be carried out in a manner that—

(1) protects the financial interests of the Federal Government;

(2) reduces the proportion of funds provided by the Federal Government and by owners and residents of multifamily housing projects that are used for costs of utilities for such projects;

(3) encourages energy efficiency and conservation by owners and residents of multifamily housing projects and installation of renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(4) creates incentives for project owners to carry out such energy efficiency renovations and improvements by allowing a portion of the savings in operating costs resulting from such renovations and improvements to be retained by the project owner, notwithstanding otherwise applicable limitations on dividends;

(5) allows project owners and tenants to share the savings in operating costs resulting from such renovations and improvements in accordance with an appropriate ratio;

(6) promotes the installation, in existing residential buildings, of energy efficient and cost-effective improvements and renewable energy improvements, such as improvements providing for use of solar, wind, geothermal, or biomass energy sources;

(7) tests the efficacy of a variety of energy efficiency measures for multifamily housing projects of various sizes and in various geographic locations;

(8) tests methods for addressing the various, and often competing, incentives that impede owners and residents of multifamily housing projects from working together to achieve energy efficiency or conservation; and

(9) creates a database of energy efficiency and conservation, and renewable energy, techniques, energy savings management practices, and energy efficiency and conservation financing vehicles.

(c) APPROACHES.—In carrying out the demonstration program under this section, the Secretary may take the following actions:

(1) Enter into agreements with the Building America Program of the Department of Energy and other consensus committees under which such programs, partnerships, or committees assume some or all of the functions, obligations, and benefits of the Secretary with respect to energy savings.

(2) Establish advisory committees to advise the Secretary and any such third party partners on technological and other developments in the area of energy efficiency and the creation of an energy efficiency and conservation credit facility and other financing opportunities that—

(A) include representatives of homebuilders, realtors, architects, nonprofit housing organizations, environmental protection organizations, renewable energy organizations, State housing finance agencies, and advocacy organizations for low-income individuals, the elderly, and persons with disabilities; and

(B) are not subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(3) Develop a competitive process for the award of such additional assistance for multifamily housing projects seeking to implement energy efficiency, renewable energy sources, or conservation measures.

(4) Waive or modify any existing Federal regulatory provision that would otherwise impair the implementation or effectiveness of the demonstration program under this section, including provisions relating to methods for rent adjustments, comparability standards, maximum rent schedules, and utility allowances. Notwithstanding the preceding provisions of this paragraph, the Secretary may not waive any statutory requirement relating to fair housing, nondiscrimination, labor standards, or the environment, except pursuant to existing authority to waive nonstatutory environmental and other applicable requirements.

(d) REQUIREMENT.—During the 4-year period beginning 12 months after the date of enactment of this title, the Secretary shall carry out demonstration programs under this section with respect to not fewer than 50,000 dwelling units.

(e) SELECTION.—

(1) SCOPE.—

(A) IN GENERAL.—In order to provide a broad and representative profile for use in designing a program which can become operational and effective nationwide, the Secretary shall carry out the demonstration program under this section with respect to dwelling units located in a wide variety of geographic areas and project types assisted by the various covered multifamily assistance programs and using a variety of energy efficiency and conservation and funding techniques to reflect differences in climate, types of dwelling units, technical and scientific methodologies, and financing options.

(B) INDIAN LANDS.—The Secretary shall ensure that the geographic areas included in the demonstration program under this section include dwelling units on Indian lands (as that term is defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501)), to the extent that dwelling units on Indian land have the type of residential structures that are the focus of the demonstration program.

(2) PRIORITY.—The Secretary shall provide priority for selection for participation in the program under this section based on the extent to which, as a result of assistance provided, the project will meet minimum energy efficiency standards or enhanced energy efficiency standards.

(f) USE OF EXISTING PARTNERSHIPS.—To the extent feasible, the Secretary shall—

(1) utilize the Partnership for Advancing Technology in Housing of the Department of Housing and Urban Development to assist in carrying out the requirements of this section and to provide education and outreach regarding the demonstration program authorized under this section; and

(2) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of the Army regarding utilizing the Building America Program of the Department of Energy, the Energy Star Program, and the Army Corps of Engineers, respectively, to determine the manner in which such programs might assist in carrying out the goals of this section and providing education and outreach regarding the demonstration program authorized under this section.

(g) REPORTS.—

(1) ANNUAL REPORT.—Not later than 2 years after the date of enactment of this title, and for each year thereafter during the term of the demonstration program, the Secretary shall submit to Congress a report that describes and assesses the demonstration program under this section.

(2) FINAL REPORT.—Not later than 6 months after the expiration of the 4-year period described in subsection (d), the Secretary shall submit to Congress a final report assessing the demonstration program that—

(A) assesses the potential for expanding the demonstration program on a nationwide basis; and

(B) includes descriptions of—

(i) the size of each multifamily housing project for which assistance was provided under the program;

(ii) the geographic location of each project assisted, by State and region;

(iii) the criteria used to select the projects for which assistance is provided under the program;

(iv) the energy efficiency and conservation measures and financing sources used for each project that is assisted under the program;

(v) the difference, before and during participation in the demonstration program, in the amount of the monthly assistance payments under the covered multifamily assistance program for each project assisted under the program;

(vi) the average length of the term of the assistance provided under the program for a project;

(vii) the aggregate amount of savings generated by the demonstration program and the amount of savings expected to be generated by the program over time on a per-unit and aggregate program basis;

(viii) the functions performed in connection with the implementation of the demonstration program that were transferred or contracted out to any third parties;

(ix) an evaluation of the overall successes and failures of the demonstration program; and

(x) recommendations for any actions to be taken as a result of such successes and failures.

(3) CONTENTS.—Each annual report pursuant to paragraph (1) and the final report pursuant to paragraph (2) shall include—

(A) a description of the status of each multifamily housing project selected for participation in the demonstration program under this section; and

(B) findings from the program and recommendations for any legislative actions.

(h) COVERED MULTIFAMILY ASSISTANCE PROGRAM.—For purposes of this section, the term ''covered multifamily assistance program'' means—

(1) the program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for project-based rental assistance;

(2) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) for assistance for supportive housing for the elderly;

(3) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) for supportive housing for persons with disabilities; and

(4) the program for assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111).

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each fiscal year in which the demonstration program under this section is carried out.

(j) REGULATIONS.—Not later than 180 days after the date of enactment of this title, the Secretary shall issue any regulations necessary to carry out this section.

SEC. 808. ADDITIONAL CREDIT FOR FANNIE MAE AND FREDDIE MAC HOUSING GOALS FOR ENERGY EFFICIENT MORTGAGES.

Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by striking ''paragraph (5)'' and inserting ''paragraphs (5) and (6)''; and

(2) by adding at the end the following:

''(6) ADDITIONAL ENERGY EFFICIENCY CREDIT.—

''(A) IN GENERAL.—In assigning credit toward achievement under this section of the housing goals for mortgage purchase activities of the enterprises, the Director shall assign—

''(i) more than 125 percent credit, for purchases that—

''(I) comply with the requirements of such goals; and

''(II) support housing that meets minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010; and

''(ii) credit in addition to credit under clause (i), for purchases that—

''(I) comply with the requirements of such goals; and

''(II) support housing that complies with enhanced energy efficiency standards, as that term is defined in section 803 of such Act.

''(B) TREATMENT OF ADDITIONAL CREDIT.—The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.''.

SEC. 809. DUTY TO SERVE UNDERSERVED MARKETS FOR ENERGY EFFICIENT AND LOCATION EFFICIENT MORTGAGES.

Section 1335 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4565) is amended—

(1) in subsection (a)(1), by adding at the end the following:

''(D) MARKETS FOR ENERGY EFFICIENT AND LOCATION EFFICIENT MORTGAGES.—

''(i) DUTY.—Except as provided in clause (ii), the enterprise shall develop loan products and flexible underwriting guidelines to facilitate a secondary market for energy efficient and location efficient mortgages on housing for very low-, low-, and moderate-income families, and for second and junior mortgages made for purposes of energy efficiency or renewable energy improvements.

''(ii) AUTHORITY TO SUSPEND.—Notwithstanding any other provision of this section, the Director may suspend the applicability of the requirement under clause (i) with respect to an enterprise, for such period as is necessary, if the Director determines that exigent circumstances exist and such suspension is appropriate to ensure the safety and soundness of the portfolio holdings of the enterprise.'';

(2) by adding at the end the following:

''(e) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) ENERGY EFFICIENT MORTGAGE.—The term 'energy efficient mortgage' means a mortgage loan under which the income of the borrower, for purposes of qualification for such loan, is considered to be increased by—

''(A) not less than $1 for each $1 of savings projected to be realized by the borrower as a result of cost-effective energy saving design, construction, or improvements (including use of renewable energy sources, such as solar, geothermal, biomass, and wind, superinsulation, energy-saving windows, insulating glass and film, and radiant barrier) for the home for which the loan is made; or

''(B) a ratio of income to savings determined by the Director.

''(2) LOCATION EFFICIENT MORTGAGE.—The term 'location efficient mortgage' means a mortgage loan under which—

''(A) the income of the borrower, for purposes of qualification for such loan, is considered to be increased by—

''(i) not less than $1 for each $1 of savings projected to be realized by the borrower because the location of the home for which the loan is made will result in decreased transportation costs for the household of the borrower; or

''(ii) a ratio of income to savings determined by the Director; or

''(B) the sum of the principal, interest, taxes, and insurance due under the mortgage loan is decreased by—

''(i) not less than $1 for each $1 of savings projected to be realized by the borrower because the location of the home for which loan is made will result in decreased transportation costs for the household of the borrower; or

''(ii) a ratio of principal, interest, taxes, and insurance due under the mortgage to savings projected to be realized by the borrower determined by the Director.''.

SEC. 810. CONSIDERATION OF ENERGY EFFICIENCY UNDER FHA MORTGAGE INSURANCE PROGRAMS AND NATIVE AMERICAN AND NATIVE HAWAIIAN LOAN GUARANTEE PROGRAMS.

(a) FHA MORTGAGE INSURANCE.—

(1) REQUIREMENT.—Title V of the National Housing Act is amended by adding after section 542 (12 U.S.C. 1735f–20) the following:

''SEC. 543. CONSIDERATION OF ENERGY EFFICIENCY.

''(a) UNDERWRITING STANDARDS.—In establishing underwriting standards for mortgages on single family housing that meets minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are insured under this Act, the Secretary shall consider the impact that savings on utility costs has on the income of the mortgagor.

''(b) GOAL.—It is the sense of the Congress that, in carrying out this Act, the Secretary should endeavor to insure mortgages on single family housing that meets minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, such that at least 50,000 such mortgages are insured during the period beginning on the date of enactment of such Act and ending on December 31, 2012.''.

(2) REPORTING ON DEFAULTS.—Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f–18(b)(2)) is amended by adding at the end the following:

''(C) With respect to each collection period that commences after December 31, 2011—

''(i) the total number of mortgages on single family housing that meets minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are insured by the Secretary during the applicable collection period;

''(ii) the number of defaults and foreclosures occurring on such mortgages during such period;

''(iii) the percentage of the total of such mortgages insured during such period on which defaults and foreclosure occurred; and

''(iv) the rate for such period of defaults and foreclosures on such mortgages compared to the overall rate for such period of defaults and foreclosures on mortgages for single family housing insured under this Act by the Secretary.''.

(b) INDIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) is amended—

(A) by redesignating subsection (l) as subsection (m); and

(B) by inserting after subsection (k) the following:

''(l) CONSIDERATION OF ENERGY EFFICIENCY.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single family housing that meet minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are guaranteed under this section, the impact that savings on utility costs has on the portion of the income of the borrower that is available to service the mortgage debt.''.

(2) REPORTING ON DEFAULTS.—Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f–18(b)(2)), as amended by subsection (a)(2) of this section, is amended by adding at the end the following:

''(D) With respect to each collection period that commences after December 31, 2011—

''(i) the total number of loans guaranteed under section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a) for single family housing that meets enhanced energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are guaranteed by the Secretary during the applicable collection period;

''(ii) the number of defaults and foreclosures that occur on such loans during such period;

''(iii) the percentage of the total number of such loans guaranteed during such period on which defaults and foreclosures occurred; and

''(iv) the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single family housing guaranteed under section 184 of such Act.''.

(c) NATIVE HAWAIIAN HOUSING LOAN GUARANTEES.—

(1) REQUIREMENT.—Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) is amended by adding at the end the following:

''(m) ENERGY EFFICIENT HOUSING REQUIREMENT.—The Secretary shall establish a method to consider, in its underwriting standards for loans for single family housing that meets minimum energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are guaranteed under this section, the impact that savings on utility costs have on the income of the borrower.''.

(2) REPORTING ON DEFAULTS.—Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f–18(b)(2)), as amended by the preceding provisions of this section, is amended by adding at the end the following:

''(E) With respect to each collection period that commences after December 31, 2011—

''(i) the total number of loans guaranteed under section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b) on single family housing that meets enhanced energy efficiency standards, as that term is defined in section 803 of the Energy Efficiency in Housing Act of 2010, that are guaranteed by the Secretary during the applicable collection period;

''(ii) the number of defaults and foreclosures occurring on such loans during such period;

''(iii) the percentage of the total of such loans guaranteed during such period on which defaults and foreclosures occurred; and

''(iv) the rate for such period of defaults and foreclosures on such loans compared to the overall rate for such period of defaults and foreclosures on loans for single family housing guaranteed under such section 184A.''.

SEC. 811. ENERGY EFFICIENT MORTGAGES EDUCATION AND OUTREACH CAMPAIGN.

Section 513 of the Housing and Community Development Act of 1992 (12 U.S.C. 1701z–16 note) is amended by adding at the end the following:

''(g) EDUCATION AND OUTREACH CAMPAIGN.—

''(1) DEVELOPMENT OF ENERGY EFFICIENT MORTGAGE OUTREACH PROGRAM.—

''(A) COMMISSION.—The Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall establish a commission to develop and recommend model mortgage products and underwriting guidelines that provide market-based incentives to prospective home buyers, lenders, and sellers to incorporate energy efficiency upgrades in new mortgage loan transactions.

''(B) REPORT.—Not later than 24 months after the date of enactment of this subsection, the Secretary shall submit to Congress a written report on the results of work of the commission established pursuant to subparagraph (A) and that identifies model mortgage products and underwriting guidelines that may encourage energy efficiency.

''(2) IMPLEMENTATION.—

''(A) IN GENERAL.—After submission of the report under paragraph (1)(B), the Secretary, in consultation and coordination with the Secretary of Energy, the Secretary of Education, and the Administrator of the Environmental Protection Agency, shall carry out a public awareness, education, and outreach campaign based on the findings of the commission established pursuant to paragraph (1) to inform and educate residential lenders and prospective borrowers regarding the availability, benefits, advantages, and terms of—

''(i) energy efficient mortgages made available pursuant to this section;

''(ii) energy efficient mortgages that meet the requirements of section 1334A of this Act; and

''(iii) other mortgages, including mortgages for multifamily housing, that have energy improvement features.

''(B) CONTRACTING.—The Secretary may enter into a contract with an appropriate entity to publicize and market such mortgages through appropriate media.

''(3) RENEWABLE ENERGY HOME PRODUCT EXPOSITIONS.—It is the sense of Congress that the Secretary of Housing and Urban Development should work with appropriate entities to organize and hold renewable energy expositions that provide an opportunity for the public to view and learn about renewable energy products for the home that are currently on the market.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection $5,000,000 for each of fiscal years 2010 through 2013.''.

SEC. 812. COLLECTION OF INFORMATION ON ENERGY EFFICIENT AND LOCATION EFFICIENT MORTGAGES THROUGH HOME MORTGAGE DISCLOSURE ACT.

(a) IN GENERAL.—Section 304(b)(1) of the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2803(b)(1)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(5) the number and dollar amount of mortgage loans for single family housing and for multifamily housing that are energy efficient mortgages (as such term is defined in section 1334A of the Housing and Community Development Act of 1992); and

''(6) the number and dollar amount of mortgage loans for single family housing and for multifamily housing that are location efficient mortgages (as such term is defined in section 1334A of Housing and Community Development Act of 1992).''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to the first calendar year that begins after the expiration of the 30-day period beginning on the date of enactment of this title.

SEC. 813. ENERGY EFFICIENCY CERTIFICATIONS FOR HOUSING WITH MORTGAGES INSURED BY FHA.

Section 526 of the National Housing Act (12 U.S.C. 1735f–4(a)) is amended—

(1) in subsection (a)—

(A) by striking '', other than manufactured homes,'' each place that term appears;

(B) by inserting after the period at the end the following: ''The energy performance requirements developed and established by the Secretary under this section for manufactured homes shall require Energy Star ratings for wall fixtures, appliances, and equipment in such homes.'';

(C) by striking ''(a) To'' and inserting the following:

''(a) ENERGY EFFICIENCY.—

''(1) IN GENERAL.—To''; and

(D) by adding at the end the following:

''(2) CERTIFICATION.—The Secretary shall require, with respect to any single family or multifamily residential housing subject to a mortgage insured under this Act, that any approval or certification of the housing for meeting any energy efficiency or conservation criteria, standards, or requirements pursuant to this title and any approval or certification required pursuant to this title with respect to energy conserving improvements or any renewable energy sources, such as wind, solar energy, geothermal, or biomass, shall be conducted only by an individual certified by a home energy rating system provider that has been accredited to conduct such ratings by the Home Energy Ratings System Council, the Residential Energy Services Network, or such other appropriate national organization, as the Secretary may provide, or by a licensed professional architect or engineer that has been accredited as a LEED Accredited Professional by the Green Building Certification Institute. If any organization makes a request to the Secretary for approval to accredit individuals to conduct energy efficiency or conservation ratings, the Secretary shall review and approve or disapprove such request not later than 6 months after receipt of such request.

''(3) LISTING.—Each regional office of the Department of Housing and Urban Development shall maintain a list of individuals certified by a home energy rating system provider that has been accredited to conduct such ratings by the Home Energy Ratings System Council, the Residential Energy Services Network, or such other appropriate national organizations or professionals as the Secretary may designate. Such list shall indicate that home energy rating system providers accredited by the Residential Energy Services Network are preferred by the Department of Housing and Urban Development.

''(4) PERIODIC EXAMINATION OF METHOD.—The Secretary shall periodically examine the method used to conduct inspections for compliance with the requirements under this section, analyze various other approaches for conducting such inspections, and review the costs and benefits of the current method compared with other methods.''; and

(2) in subsection (b)—

(A) by striking '', other than a manufactured home,''; and

(B) by striking ''(b) The'' and inserting the following:

''(b) HEALTH AND SAFETY.—The''.

SEC. 814. ASSISTED HOUSING ENERGY LOAN PILOT PROGRAM.

(a) AUTHORITY.—Not later than 12 months after the date of enactment of this title, the Secretary shall develop and implement a pilot program to facilitate the financing of cost-effective capital improvements for covered assisted housing projects to improve the energy efficiency and conservation of such projects.

(b) NUMBER OF LENDERS.—The pilot program under this section shall involve not less than 3 and not more than 5 lenders.

(c) LOANS.—The pilot program under this section shall provide for a privately financed loan to be made for a covered assisted housing project that—

(1) finances capital improvements for the project that meet such requirements as the Secretary shall establish, and may involve contracts with third parties to perform such capital improvements, including the design of such improvements by licensed professional architects or engineers;

(2) has a term to maturity that is—

(A) not more than 20 years; and

(B) necessary to realize cost savings sufficient to repay such loan;

(3) is secured by a mortgage subordinate to the mortgage for the project that is insured under title II of the National Housing Act; and

(4) provides for a reduction in the remaining principal obligation under the loan based on the actual cost savings realized from the capital improvements financed with the loan.

(d) UNDERWRITING STANDARDS.—The Secretary shall establish underwriting requirements for loans made under the pilot program under this section, which shall—

(1) require the cost savings projected to be realized from the capital improvements financed with the loan, during the term of the loan, to exceed the costs of repaying the loan;

(2) allow the designer or contractor involved in designing capital improvements to be financed with a loan under the program to carry out such capital improvements; and

(3) include such energy, audit, property, financial, ownership, and approval requirements as the Secretary considers appropriate.

(e) TREATMENT OF SAVINGS.—The pilot program under this section shall provide that the financial benefit from any reduction in the cost of utilities resulting from capital improvements financed with a loan made under the program shall be shared between the project owner and the tenants in accordance with an appropriate ratio, as determined by the Secretary.

(f) COVERED ASSISTED HOUSING PROJECTS.—For purposes of this section, the term ''covered assisted housing project'' means a housing project that—

(1) is financed by a loan or mortgage that is—

(A) insured by the Secretary under paragraph (3) or (4) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)), and bears interest at a rate determined under the proviso of section 221(d)(5) of such Act; or

(B) insured or assisted under section 236 of the National Housing Act (12 U.S.C. 1715z–1);

(2) at the time a loan under this section is made, is provided project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) for 50 percent or more of the dwelling units in the project; and

(3) is not a housing project owned or held by the Secretary, or subject to a mortgage held by the Secretary.

SEC. 815. HOPE VI GREEN DEVELOPMENTS REQUIREMENT.

(a) MANDATORY COMPONENT.—Section 24(e) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)) is amended by adding at the end the following:

''(4) GREEN DEVELOPMENTS REQUIREMENT.—

''(A) REQUIREMENT.—The Secretary may not make a grant under this section to an applicant unless the proposed revitalization plan of the applicant to be carried out with such grant amounts meets the following requirements:

''(i) RESIDENTIAL CONSTRUCTION.—All residential construction under the proposed plan complies with—

''(I) all mandatory items of the national Green Communities criteria checklist for residential construction and rehabilitation and such nonmandatory items of such checklist as are necessary for a residential construction to receive—

''(aa) 25 points, in the case of any proposed plan (or portion thereof) consisting of new construction; and

''(bb) 20 points, in the case of any proposed plan (or portion thereof) consisting of rehabilitation; or

''(II) a substantially equivalent standard, as determined by the Secretary.

''(ii) NONRESIDENTIAL CONSTRUCTION.—All nonresidential construction under the proposed plan complies with all minimum required levels of the green building rating systems and levels identified by the Secretary pursuant to subparagraph (C), as such systems and levels are in effect at the time of the application for the grant.

''(B) VERIFICATION.—

''(i) IN GENERAL.—The Secretary shall verify, or provide for verification sufficient to ensure, that each revitalization plan carried out with amounts from a grant under this section complies with the requirements under subparagraph (A).

''(ii) TIMING.—In providing for such verification, the Secretary shall establish procedures to ensure such compliance with respect to each grantee, and shall submit a report to Congress with respect to the compliance of each grantee—

''(I) not later than 6 months after execution of the grant agreement under this section for the grantee; and

''(II) on completion of the revitalization plan of the grantee.

''(C) IDENTIFICATION OF GREEN BUILDINGS RATING SYSTEMS AND LEVELS.—

''(i) IN GENERAL.—For purposes of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall identify rating systems and levels for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally sound approach to ratings and standards for green buildings.

''(ii) CRITERIA.—In identifying the green rating systems and levels under clause (i), the Secretary shall take into consideration—

''(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this paragraph;

''(II) the ability of the applicable ratings system organizations to collect and reflect public comment;

''(III) the ability of the standards to be developed and revised through a consensus-based process;

''(IV) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

''(aa) efficient and sustainable use of water, energy, and other natural resources;

''(bb) use of renewable energy sources;

''(cc) improved indoor and outdoor environmental quality through enhanced indoor and outdoor air quality, thermal comfort, acoustics, outdoor noise pollution, day lighting, pollutant source control, sustainable landscaping, and use of building system controls and low- or no-emission materials, including preference for materials with no added carcinogens that are classified as Group 1 Known Carcinogens by the International Agency for Research on Cancer; and

''(dd) such other criteria as the Secretary determines to be appropriate; and

''(V) national recognition within the building industry.

''(iii) FIVE-YEAR EVALUATION.—At least once every 5 years, the Secretary shall conduct a study to evaluate and compare available third party green building rating systems and levels, taking into account the criteria listed in clause (ii).

''(iv) REVIEW AND UPDATE.—Within 90 days of the completion of each study required by clause (iii), the Secretary shall review and update the rating systems and levels, or identify alternative systems and levels for purposes of this paragraph, taking into account the conclusions of such study.

''(D) APPLICABILITY AND UPDATING OF STANDARDS.—

''(i) APPLICABILITY.—Except as provided in clause (ii), the national Green Communities criteria checklist and green building rating systems and levels referred to in subparagraph (A) that are in effect for purposes of this paragraph are such checklist systems and levels as in existence on the date of enactment of the Energy Efficiency in Housing Act of 2010.

''(ii) UPDATING.—The Secretary may, by regulation, adopt and apply for purposes of this paragraph, future amendments and supplements to, and editions of, the national Green Communities criteria checklist, any standard or standards that the Secretary has determined to be substantially equivalent to such checklist, and the green building ratings systems and levels identified by the Secretary pursuant to subparagraph (C).''.

(b) SELECTION CRITERIA; GRADED COMPONENT.—Section 24(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437v(e)(2)) is amended—

(1) in subparagraph (K), by striking ''and'' at the end;

(2) by redesignating subparagraph (L) as subparagraph (M); and

(3) by inserting after subparagraph (K) the following:

''(L) the extent to which the proposed revitalization plan—

''(i) in the case of residential construction, complies with the nonmandatory items of the national Green Communities criteria checklist identified in paragraph (4)(A)(i), or any substantially equivalent standard or standards as determined by the Secretary, but only to the extent such compliance exceeds the compliance necessary to accumulate the number of points required under such paragraph; and

''(ii) in the case of nonresidential construction, complies with the components of the green building rating systems and levels identified by the Secretary pursuant to paragraph (4)(C), but only to the extent such compliance exceeds the minimum level required under such systems and levels; and''.

SEC. 816. CONSIDERATION OF ENERGY EFFICIENCY IMPROVEMENTS IN APPRAISALS.

(a) APPRAISALS IN CONNECTION WITH FEDERALLY RELATED TRANSACTIONS.—

(1) REQUIREMENT.—Section 1110 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3339) is amended—

(A) in paragraph (1), by striking ''and'' at the end;

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

''(2) that such appraisals be performed in accordance with appraisal standards that require, in determining the value of a property, consideration of the ongoing utility savings and increased value from the savings that result from—

''(A) any renewable energy sources for the property; or

''(B) energy efficiency or energy conserving improvements or features of the property; and''.

(2) REVISION OF APPRAISAL STANDARDS.—Each Federal financial institution regulatory agency shall, not later than 6 months after the date of enactment of this title, revise its standards for the performance of real estate appraisals in connection with federally related transactions under the jurisdiction of the agency to comply with the requirement under the amendments made by paragraph (1).

(b) APPRAISER CERTIFICATION AND LICENSING REQUIREMENTS.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''and meets the requirements established pursuant to subsection (f) for qualifications regarding consideration of any renewable energy sources for, or energy efficiency or energy conserving improvements or features of, the property'';

(2) in subsection (c), by inserting before the period at the end the following: '', which shall include compliance with the requirements established pursuant to subsection (f) regarding consideration of any renewable energy sources for, or energy efficiency or energy conserving improvements or features of, the property'';

(3) in subsection (e), by striking ''The'' and inserting ''Except as provided in subsection (f), the''; and

(4) by adding at the end the following:

''(f) REQUIREMENTS FOR APPRAISERS REGARDING ENERGY EFFICIENCY FEATURES.—The Appraisal Subcommittee shall establish requirements for State certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider and are qualified to consider, in determining the value of a property, any renewable energy sources for, or energy efficiency or energy conserving improvements or features of, the property.''.

(c) GUIDELINES FOR APPRAISING PHOTOVOLTAIC AND SOLAR THERMAL MEASURES AND TRAINING OF APPRAISERS.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by adding at the end the following:

''(g) GUIDELINES FOR APPRAISING PHOTOVOLTAIC AND SOLAR THERMAL MEASURES AND TRAINING OF APPRAISERS.—The Appraisal Subcommittee shall, in consultation with the Secretary of Housing and Urban Development, the Federal National Mortgage Association, and the Federal Home Loan Mortgage Corporation, establish specific guidelines for—

''(1) appraising off- and on-grid photovoltaic and solar thermal measures for compliance with the appraisal standards prescribed pursuant to section 1110(2);

''(2) requirements under section 1116(f) for certification of State certified real estate appraisers and for State licensing of State licensed appraisers, to ensure that appraisers consider, and are qualified to consider, such photovoltaic and solar thermal measures in determining the value of a property; and

''(3) training of appraisers to meet the requirements established pursuant to paragraph (2) of this subsection.''.

SEC. 817. ADDITIONAL REQUIREMENTS FOR THE HOUSING ASSISTANCE COUNCIL.

The Secretary shall require the Housing Assistance Council—

(1) to encourage each organization that receives assistance from the Council with any amounts made available from the Secretary to provide that any structure or building developed or assisted under projects, programs, and activities funded with such amounts complies with enhanced energy efficiency standards; and

(2) to establish incentives to encourage each such organization to provide that any such structure or building complies with enhanced energy efficiency standards.

SEC. 818. RURAL HOUSING AND ECONOMIC DEVELOPMENT ASSISTANCE.

The Secretary shall—

(1) encourage each tribe, agency, organization, corporation, and other entity that receives any assistance from the Office of Rural Housing and Economic Development of the Department of Housing and Urban Development to provide that any structure or building developed or assisted under activities funded with such amounts complies with minimum energy efficiency standards; and

(2) establish incentives to encourage each such tribe, agency, organization, corporation, and other entity to provide that any such structure or building comply with enhanced energy efficiency standards.

SEC. 819. REVOLVING FUND FOR LOANS TO STATES AND INDIAN TRIBES TO CARRY OUT RENEWABLE ENERGY SOURCES ACTIVITIES.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the ''Alternative Energy Sources State Revolving Fund''.

(b) CREDITS.—The Fund shall be credited with—

(1) any amounts appropriated to the Fund pursuant to subsection (g);

(2) any amounts of principal and interest from loan repayments received by the Secretary pursuant to subsection (d)(7); and

(3) any interest earned on investments of amounts in the Fund pursuant to subsection (e).

(c) EXPENDITURES.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (d)(1).

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund, not more than 5 percent shall be available for each fiscal year to pay the administrative expenses of the Department of Housing and Urban Development to carry out this section.

(d) LOANS TO STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to States and Indian tribes to provide incentives to owners of single family and multifamily housing, commercial properties, and public buildings to provide—

(A) renewable energy sources for such structures, such as wind, wave, solar, biomass, or geothermal energy sources, including incentives to companies and businesses to change their source of energy to such renewable energy sources and for changing the sources of energy for public buildings to such renewable energy sources;

(B) energy efficiency and energy conserving improvements and features for such structures; or

(C) infrastructure related to the delivery of electricity and hot water for structures lacking such amenities.

(2) ELIGIBILITY.—To be eligible to receive a loan under this subsection, a State or Indian tribe, directly or through an appropriate State or tribal agency, shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) CRITERIA FOR APPROVAL.—The Secretary may approve an application of a State or Indian tribe under paragraph (2) only if the Secretary determines that the State or tribe will use the funds from the loan under this subsection to carry out a program to provide incentives described in paragraph (1) that—

(A) requires that any such renewable energy sources, and energy efficiency and energy conserving improvements and features, developed pursuant to assistance under the program result in compliance of the structure so improved with minimum energy efficiency standards; and

(B) includes such compliance and audit requirements as the Secretary determines are necessary to ensure that the program is operated in a sound and effective manner.

(4) PREFERENCE.—In making loans during each fiscal year, the Secretary shall give preference to States and Indian tribes that have not previously received a loan under this subsection.

(5) MAXIMUM AMOUNT.—The aggregate outstanding principal amount from loans under this subsection to any single State or Indian tribe may not exceed $500,000,000.

(6) LOAN TERMS.—Each loan under this subsection shall have a term to maturity of not more than 10 years and shall bear interest at an annual rate, determined by the Secretary, that shall not exceed the interest rate charged by the Federal Reserve Bank of New York to commercial banks and other depository institutions for very short-term loans under the primary credit program, as most recently published in the Federal Reserve Statistical Release on selected interest rates (daily or weekly), and commonly referred to as the H.15 release, preceding the date of a determination for purposes of applying this paragraph.

(7) LOAN REPAYMENT.—The Secretary shall require full repayment of each loan made under this section.

(e) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such amounts in the Fund that are not, in the judgment of the Secretary of the Treasury, required to meet needs for current withdrawals.

(2) OBLIGATIONS OF UNITED STATES.—Investments may be made only in interest-bearing obligations of the United States.

(f) REPORTS.—

(1) REPORTS TO SECRETARY.—For each year during the term of a loan made under subsection (d), the State or Indian tribe that received the loan shall submit to the Secretary a report describing the State or tribal alternative energy sources program for which the loan was made and the activities conducted under the program using the loan funds during that year.

(2) REPORT TO CONGRESS.—Not later than September 30 of each year that loans made under subsection (d) are outstanding, the Secretary shall submit a report to Congress describing the total amount of such loans provided under subsection (d) to each eligible State and Indian tribe during the fiscal year ending on such date, and an evaluation on effectiveness of the Fund.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000,000.

(h) DEFINITIONS.—In this section, the following definitions shall apply:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given such term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).

(2) STATE.—The term ''State'' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

SEC. 820. COMPETITIVE GRANT PROGRAM TO INCREASE SUSTAINABLE LOW-INCOME COMMUNITY DEVELOPMENT CAPACITY.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE COMMUNITY DEVELOPMENT ORGANIZATION.—The term ''eligible community development organization'' means—

(A) a unit of general local government, as that term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704));

(B) a community housing development organization, as that term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704));

(C) an Indian tribe or tribally designated housing entity, as those terms are defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)); and

(D) a public housing agency, as that term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437(b)).

(2) LOW-INCOME COMMUNITY.—The term ''low-income community'' means a census tract in which 50 percent or more of the households have an annual income that is less than 80 percent of the greater of—

(A) the median gross income for that year for the area in which the census tract is located; or

(B) the median gross income for that year for the State in which the census tract is located.

(3) NONPROFIT ORGANIZATION.—The term ''nonprofit organization'' has the same meaning as in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(b) PROGRAM ESTABLISHED.—The Secretary shall establish a competitive grant program to make grants to nonprofit organizations to—

(1) carry out a project described in subsection (c);

(2) train, educate, support, or advise an eligible community development organization that carries out a project described in subsection (c);

(3) provide planning and design assistance to eligible community development organizations;

(4) make loans or grants to eligible community development organizations; or

(5) carry out other activities consistent with this section, as the Secretary determines appropriate.

(c) PROJECTS.—The projects described in this subsection are projects—

(1) that take into consideration minimum energy efficiency standards, enhanced energy efficiency standards, and green building standards; and

(2) that—

(A) improve the energy efficiency of residential and nonresidential structures;

(B) promote resource conservation and reuse;

(C) include design strategies to maximize the energy efficiency of residential and nonresidential structures;

(D) install or construct renewable energy improvements for residential and nonresidential structures, including wind, wave, solar, biomass, and geothermal energy sources; or

(E) promote the effective use of existing infrastructure in affordable housing and economic development activities in low-income communities.

(d) PRIORITY.—In making grants under this section, the Secretary shall give priority to activities that will result in compliance with minimum energy efficiency standards, enhanced energy efficiency standards, and green building standards.

(e) APPLICATION.—A nonprofit organization that desires a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(f) AWARD OF CONTRACTS.—Any contract for architectural or engineering services that is funded with amounts from grants made under this section shall be awarded in accordance with chapter 11 of title 40, United States Code (relating to selection of architects and engineers).

(g) FEDERAL SHARE.—

(1) AMOUNT OF FEDERAL SHARE.—The Federal share of the cost of a project under this section may not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project under this section may be in cash or in-kind.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

SEC. 821. INSURANCE COVERAGE FOR LOANS FOR FINANCING OF RENEWABLE ENERGY SYSTEMS LEASED FOR RESIDENTIAL USE.

(a) PURPOSES.—The purposes of this section are—

(1) to encourage residential use of renewable energy systems by minimizing upfront costs and providing immediate utility cost savings to consumers through leasing of such systems to homeowners;

(2) to reduce carbon emissions and the use of nonrenewable resources;

(3) to encourage energy efficient residential construction and rehabilitation;

(4) to encourage the use of renewable resources by homeowners;

(5) to minimize the impact of development on the environment;

(6) to reduce consumer utility costs; and

(7) to encourage private investment in the green economy.

(b) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) AUTHORIZED RENEWABLE ENERGY LENDER.—The term ''authorized renewable energy lender'' means a lender authorized by the Secretary to make a loan under this section.

(2) RENEWABLE ENERGY SYSTEM LEASE.—The term ''renewable system energy lease'' means an agreement between an authorized renewable energy system owner and a homeowner for a term of not less than 5 years, pursuant to which the homeowner—

(A) grants an easement to such renewable energy system owner to install, maintain, use, and otherwise access the renewable energy system; and

(B) agrees to—

(i) lease the use of such system from such renewable energy system owner; or

(ii) purchase electric power from such renewable energy system owner.

(3) RENEWABLE ENERGY MANUFACTURER.—The term ''renewable energy manufacturer'' means a manufacturer of renewable energy systems.

(4) RENEWABLE ENERGY SYSTEM OWNER.—The term ''renewable energy system owner'' means a homebuilder, a manufacturer or installer of a renewable energy system, or any other person, as determined by the Secretary.

(5) RENEWABLE ENERGY SYSTEM.—The term ''renewable energy system'' means a system of energy derived from—

(A) a wind, solar (including photovoltaic and solar thermal), biomass (including biodiesel), or geothermal source; or

(B) hydrogen derived from biomass or water using an energy source described in subparagraph (A).

(c) AUTHORITY.—

(1) IN GENERAL.—The Secretary may, upon application by an authorized renewable energy system owner, insure or make a commitment to insure a loan made by an authorized renewable energy lender to a renewable energy system owner to finance the acquisition of a renewable energy system for lease to a homeowner for use at the residence of such homeowner.

(2) TERMS AND CONDITIONS.—The Secretary may prescribe such terms and conditions for insurance under paragraph (1) as are consistent with the purposes of this section.

(d) LIMITATION ON PRINCIPAL AMOUNT.—

(1) LIMITATION.—The principal amount of a loan insured under this section shall not exceed the residual value of the renewable energy system to be acquired with the loan.

(2) RESIDUAL VALUE.—For purposes of this subsection—

(A) the residual value of a renewable energy system is the fair market value of the future revenue stream from the sale of the expected remaining electricity production from the system, pursuant to the easement granted in accordance with subsection (e); and

(B) the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system shall be determined based on the net present value of the power output production warranty for such renewable energy system provided by the renewable energy manufacturer and the forecast of regional residential electricity prices made by the Energy Information Administration of the Department of Energy.

(e) EASEMENT.—The Secretary may not insure a loan under this section unless the renewable energy system owner certifies, in accordance with such requirements as the Secretary shall establish, consistent with the purposes of this section, that the systems financed will be leased only to homeowners that grant easements to install, maintain, use, and otherwise access the system that include the right to sell electricity produced during the life of the renewable energy system to a wholesale or retail electrical power grid.

(f) DISCOUNT OR PREPAYMENT.—To encourage the use of renewable energy systems, the Secretary shall ensure that a discount given to a homeowner by a renewable energy system owner or other investor or prepayment of a renewable energy system lease by a renewable energy system owner does not adversely affect the mortgage requirements of such homeowner.

(g) ELIGIBILITY OF LENDERS.—The Secretary may not insure a loan under this section unless the lender making the loan—

(1) is an institution that—

(A) qualifies as a green banking center under section 8(x) of the Federal Deposit Insurance Act (12 U.S.C. 1818(x)) or section 206(x) of the Federal Credit Union Act (12 U.S.C. 1786(x)); or

(B) meets such other requirements as the Secretary shall establish for participation of renewable energy lenders in the program under this section; and

(2) meets such qualifications as the Secretary shall establish for all lenders for participation in the program under this section.

(h) CERTIFICATE OF INSURANCE.—

(1) IN GENERAL.—The Secretary shall issue to a lender that is insured under this section a certificate that serves as evidence of insurance coverage under this section.

(2) CONTENTS OF CERTIFICATE.—The certificate required under paragraph (1) shall set forth the fair market value of the future revenue stream for each year of the remaining life of the renewable energy system.

(3) FULL FAITH AND CREDIT.—The certificate required under paragraph (1) shall be backed by the full faith and credit of the United States.

(i) PAYMENT OF INSURANCE CLAIM.—

(1) FILING OF CLAIM.—The Secretary shall provide for the filing of claims for insurance under this section and the payment of such claims.

(2) PAYMENT OF CLAIM.—A claim under paragraph (1) may be paid only upon a default under the loan insured under this section and the assignment, transfer, and delivery to the Secretary of—

(A) all rights and interests arising under the loan; and

(B) all claims of the lender or the assigns of the lender against the borrower or others arising under the loan transaction.

(3) LIEN.—

(A) IN GENERAL.—Upon payment of a claim for insurance of a loan under this section, the Secretary shall hold a lien on the underlying renewable energy system assets and any associated revenue stream from the use of such system, which shall be superior to all other liens on such assets.

(B) RESIDUAL VALUE.—The residual value of such renewable energy system and the revenue stream from the use of such system shall be not less than the unpaid balance of the loan amount covered by the certificate of insurance.

(C) REVENUE FROM SALE.—The Secretary shall be entitled to any revenue generated by such renewable energy system from selling electricity to the grid when an insurance claim has been paid out.

(j) ASSIGNMENT AND TRANSFERABILITY OF INSURANCE.—A renewable energy system owner or an authorized renewable energy lender that is insured under this section may assign or transfer the insurance in whole or in part, to another owner or lender, subject to such requirements as the Secretary may prescribe.

(k) PREMIUMS AND CHARGES.—

(1) INSURANCE PREMIUMS.—

(A) IN GENERAL.—The Secretary shall fix and collect premiums for insurance of loans under this section, that shall be paid by the applicant renewable energy system owner at the time of issuance of the certificate of insurance to the lender and shall be adequate, in the determination of the Secretary, to cover the expenses and probable losses of administering the program under this section.

(B) DEPOSIT OF PREMIUM.—The Secretary shall deposit any premiums collected under this subsection in the Renewable Energy Lease Insurance Fund established under subsection (l).

(2) PROHIBITION ON OTHER CHARGES.—Except as provided in paragraph (1), the Secretary may not assess any other fee (including a user fee), insurance premium, or charge in connection with loan insurance provided under this section.

(l) RENEWABLE ENERGY LEASE INSURANCE FUND.—

(1) FUND ESTABLISHED.—There is established in the Treasury of the United States the Renewable Energy Lease Insurance Fund (referred to in this subsection as the ''Fund''), which shall be available to the Secretary without fiscal year limitation, for the purpose of providing insurance under this section.

(2) CREDITS.—The Fund shall be credited with any premiums collected under subsection (k)(1), any amounts collected by the

Secretary under subsection (i)(3), and any associated interest or earnings.

(3) AVAILABILITY.—Amounts in the Fund shall be available to the Secretary for fulfilling any obligations with respect to insurance for loans provided under this section and paying administrative expenses in connection with this section.

(4) EXCESS AMOUNTS.—The Secretary may invest in obligations of the United States any amounts in the Fund determined by the Secretary to be in excess of amounts required at the time of such determination to carry out this section.

(m) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall issue such regulations as may be necessary to carry out this section.

(2) TIMING.—Not later than 180 days after the date of enactment of this title, the Secretary shall issue interim or final regulations.

(n) INELIGIBILITY FOR PURCHASE BY FEDERAL FINANCING BANK.—Notwithstanding any other provision of law, no debt obligation that is insured or committed to be insured by the Secretary under this section shall be subject to the Federal Financing Bank Act of 1973 (12 U.S.C. 2281 et seq.).

(o) TERMINATION OF AUTHORITY.—The authority of the Secretary to insure and make commitments to insure new loans under this title shall terminate 10 years after the date of enactment of this title.

SEC. 822. GREEN BANKING CENTERS.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end the following:

''(x) GREEN BANKING CENTERS.—

''(1) IN GENERAL.—The Federal banking agencies shall prescribe guidelines encouraging the establishment and maintenance of green banking centers by insured depository institutions to provide any consumer who seeks information on obtaining a mortgage, home improvement loan, or home equity loan with additional information on—

''(A) obtaining a home energy rating or audit for the residence for which such mortgage or loan is sought;

''(B) obtaining financing for cost-effective energy-saving improvements to such property; and

''(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy efficiency standards.

''(2) INFORMATION AND REFERRALS.—The information made available to consumers under paragraph (1) may include—

''(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

''(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

''(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

''(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personal, reservists, and veterans by the Secretary of Veterans Affairs;

''(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

''(F) information about, and contact information for, the Energy Star Program of the Environmental Protection Agency;

''(G) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy efficient mortgages and loans, home energy rating systems, and the availability of energy efficient mortgage information from a variety of Federal agencies; and

''(H) such other information as the agencies or the insured depository institution may determine to be appropriate or useful.''.

(b) INSURED CREDIT UNIONS.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following:

''(x) GREEN BANKING CENTERS.—

''(1) IN GENERAL.—The Board shall prescribe guidelines encouraging the establishment and maintenance of green banking centers by insured credit unions to provide any member who seeks information on obtaining a mortgage, home improvement loan, or home equity loan with additional information on—

''(A) obtaining a home energy rating or audit for the residence for which such mortgage or loan is sought;

''(B) obtaining financing for cost-effective energy-saving improvements to such property; and

''(C) obtaining beneficial terms for any mortgage or loan, or qualifying for a larger mortgage or loan, secured by a residence which meets or will meet energy efficiency standards.

''(2) INFORMATION AND REFERRALS.—The information made available to members under paragraph (1) may include—

''(A) information on obtaining a home energy rating and contact information on qualified energy raters in the area of the residence;

''(B) information on the secondary market guidelines that permit lenders to provide more favorable terms by allowing lenders to increase the ratio on debt-to-income requirements or to use the projected utility savings as a compensating factor;

''(C) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered by the Secretary of Housing and Urban Development, including the Energy Efficient Mortgage Program;

''(D) information including eligibility information about, and contact information for, any conservation or renewable energy programs, grants, or loans offered for qualified military personnel, reservists, and veterans by the Secretary of Veterans Affairs;

''(E) information about, and contact information for, the Office of Efficiency and Renewable Energy at the Department of Energy, including the weatherization assistance program;

''(F) information from, and contact information for, the Federal Citizen Information Center of the General Services Administration on energy efficient mortgages and loans, home energy rating systems, and the availability of energy efficient mortgage information from a variety of Federal agencies;

''(G) information about incentives or financial products that are available for projects that are consistent with or certified under minimum energy efficiency standards, enhanced efficiency standards, or green building standards, as those terms are defined in section 803 of the Energy Efficiency in Housing Act of 2010; and

''(H) such other information as the Board or the insured credit union may determine to be appropriate or useful.''.

SEC. 823. GAO REPORTS ON AVAILABILITY OF AFFORDABLE MORTGAGES.

(a) STUDY.—The Comptroller General of the United States shall periodically, as necessary to comply with subsection (b), examine the impact of this title and the amendments made by this title on the availability of affordable mortgages in various areas throughout the United States, including cities having older infrastructure and limited space for the development of new housing.

(b) TRIENNIAL REPORTS.—

(1) REPORT REQUIRED.—The Comptroller General shall submit a report once every 3 years to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) CONTENTS OF REPORT.—The report under paragraph (1) shall include—

(A) a detailed statement of the most recent findings pursuant to subsection (a); and

(B) if the Comptroller General finds that this title or the amendments made by this title have directly or indirectly resulted in consequences that limit the availability or affordability of mortgages in any area or areas within the United States, including any city having older infrastructure and limited space for the development of new housing, any recommendations for any additional actions at the Federal, State, or local levels that the Comptroller General considers necessary or appropriate to mitigate such effects.

(3) TIMING.—The first report under paragraph (1) shall be submitted not later than 3 years after the date of enactment of this title.

SEC. 824. PUBLIC HOUSING ENERGY COST REPORT.

(a) COLLECTION OF INFORMATION BY HUD.—

(1) IN GENERAL.—The Secretary shall obtain from each public housing agency, at such time as may be necessary to comply with the reporting requirement under subsection (b), information regarding the energy costs for public housing administered or operated by the agency.

(2) TYPE OF INFORMATION.—For each public housing agency, such information shall include the monthly energy costs associated with each separate building and development of the agency, for the most recently completed 12-month period for which such information is available, and such other information as the Secretary determines is appropriate in determining which public housing buildings and developments are most in need of repairs and improvements to reduce energy needs and costs and become more energy efficient.

(b) REPORT.—Not later than 12 months after the date of enactment of this title, the Secretary shall submit to Congress a report setting forth the information collected pursuant to subsection (a).

SA 3355. Mr. BUNNING proposed an amendment to the bill H.R. 4691, to provide a temporary extension of certain programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Temporary Extension Act of 2010''.

SEC. 2. EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''February 28, 2010'' each place it appears and inserting ''April 5, 2010'';

(B) in the heading for subsection (b)(2), by striking ''FEBRUARY 28, 2010'' and inserting ''APRIL 5, 2010''; and

(C) in subsection (b)(3), by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(2) Section 2002(e) of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 438), is amended—

(A) in paragraph (1)(B), by striking ''February 28, 2010'' and inserting ''April 5, 2010'';

(B) in the heading for paragraph (2), by striking ''FEBRUARY 28, 2010'' and inserting ''APRIL 5, 2010''; and

(C) in paragraph (3), by striking ''August 31, 2010'' and inserting ''October 5, 2010''.

(3) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''February 28, 2010'' each place it appears and inserting ''April 5, 2010''; and

(B) in subsection (c), by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(4) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''July 31, 2010'' and inserting ''September 4, 2010''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking ''1009'' and inserting ''1009(a)(1)''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) the amendments made by section 2(a)(1) of the Temporary Extension Act of 2010; and''.

SEC. 3. EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE FOR COBRA BENEFITS.

(a) EXTENSION OF ELIGIBILITY PERIOD.—Subsection (a)(3)(A) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended by striking ''February 28, 2010'' and inserting ''March 31, 2010''.

(b) CLARIFICATIONS RELATING TO SECTION 3001 OF ARRA.—

(1) CLARIFICATION REGARDING COBRA CONTINUATION RESULTING FROM REDUCTIONS IN HOURS.—Subsection (a) of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) is amended—

(A) in paragraph (3)(C), by inserting before the period at the end the following: ''or consists of a reduction of hours followed by such an involuntary termination of employment during such period (as described in paragraph (17)(C))''; and

(B) by adding at the end the following:

''(17) SPECIAL RULES IN CASE OF INDIVIDUALS LOSING COVERAGE BECAUSE OF A REDUCTION OF HOURS.—

''(A) NEW ELECTION PERIOD.—

''(i) IN GENERAL.—For the purposes of the COBRA continuation provisions, in the case of an individual described in subparagraph (C) who did not make (or who made and discontinued) an election of COBRA continuation coverage on the basis of the reduction of hours of employment, the involuntary termination of employment of such individual on or after the date of the enactment of this paragraph shall be treated as a qualifying event.

''(ii) COUNTING COBRA DURATION PERIOD FROM PREVIOUS QUALIFYING EVENT.—In any case of an individual referred to in clause (i), the period of such individual's continuation coverage shall be determined as though the qualifying event were the reduction of hours of employment.

''(iii) CONSTRUCTION.—Nothing in this paragraph shall be construed as requiring an individual referred to in clause (i) to make a payment for COBRA continuation coverage between the reduction of hours and the involuntary termination of employment.

''(iv) PREEXISTING CONDITIONS.—With respect to an individual referred to in clause (i) who elects COBRA continuation coverage pursuant to such clause, rules similar to the rules in paragraph (4)(C) shall apply.

''(B) NOTICES.—In the case of an individual described in subparagraph (C), the administrator of the group health plan (or other entity) involved shall provide, during the 60-day period beginning on the date of such individual's involuntary termination of employment, an additional notification described in paragraph (7)(A), including information on the provisions of this paragraph. Rules similar to the rules of paragraph (7) shall apply with respect to such notification.

''(C) INDIVIDUALS DESCRIBED.—Individuals described in this subparagraph are individuals who are assistance eligible individuals on the basis of a qualifying event consisting of a reduction of hours occurring during the period described in paragraph (3)(A) followed by an involuntary termination of employment insofar as such involuntary termination of employment occurred on or after the date of the enactment of this paragraph.''.

(2) CODIFICATION OF CURRENT INTERPRETATION.—Subsection (a)(16) of such section is amended—

(A) by striking clause (ii) of subparagraph (A) and inserting the following:

''(ii) such individual pays, the amount of such premium, after the application of paragraph (1)(A), by the latest of—

''(I) 60 days after the date of the enactment of this paragraph,

''(II) 30 days after the date of provision of the notification required under subparagraph (D)(ii), or

''(III) the end of the period described in section 4980B(f)(2)(B)(iii) of the Internal Revenue Code of 1986.''; and

(B) by striking subclause (I) of subparagraph (C)(i), and inserting the following:

''(I) such assistance eligible individual experienced an involuntary termination that was a qualifying event prior to the date of enactment of the Department of Defense Appropriations Act, 2010; and''.

(3) CLARIFICATION OF PERIOD OF ASSISTANCE.—Subsection (a)(2)(A)(ii)(I) of such section is amended by striking ''of the first month''.

(4) ENFORCEMENT.—Subsection (a)(5) of such section is amended by adding at the end the following: ''In addition to civil actions that may be brought to enforce applicable provisions of such Act or other laws, the appropriate Secretary or an affected individual may bring a civil action to enforce such determinations and for appropriate relief. In addition, such Secretary may assess a penalty against a plan sponsor or health insurance issuer of not more than $110 per day for each failure to comply with such determination of such Secretary after 10 days after the date of the plan sponsor's or issuer's receipt of the determination.''.

(5) AMENDMENTS RELATING TO SECTION 3001 OF ARRA.—

(A) Subsection (g)(9) of section 35 of the Internal Revenue Code of 1986 is amended by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(B) Section 139C of such Code is amended by striking ''section 3002 of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001 of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(C) Section 6432 of such Code is amended—

(i) in subsection (a), by striking ''section 3002(a) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a) of title III of division B of the American Recovery and Reinvestment Act of 2009'';

(ii) in subsection (c)(3), by striking ''section 3002(a)(1)(A) of such Act'' and inserting ''section 3001(a)(1)(A) of title III of division B of the American Recovery and Reinvestment Act of 2009''; and

(iii) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively, and inserting after subsection (d) the following new subsection:

''(e) EMPLOYER DETERMINATION OF QUALIFYING EVENT AS INVOLUNTARY TERMINATION.—For purposes of this section, in any case in which—

''(1) based on a reasonable interpretation of section 3001(a)(3)(C) of division B of the American Recovery and Reinvestment Act of 2009 and administrative guidance thereunder, an employer determines that the qualifying event with respect to COBRA continuation coverage for an individual was involuntary termination of a covered employee's employment, and

''(2) the employer maintains supporting documentation of the determination, including an attestation by the employer of involuntary termination with respect to the covered employee,

the qualifying event for the individual shall be deemed to be involuntary termination of the covered employee's employment.''.

(D) Subsection (a) of section 6720C of such Code is amended by striking ''section 3002(a)(2)(C) of the Health Insurance Assistance for the Unemployed Act of 2009'' and inserting ''section 3001(a)(2)(C) of title III of division B of the American Recovery and Reinvestment Act of 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of section 3001 of division B of the American Recovery and Reinvestment Act of 2009 to which they relate, except that—

(1) the amendments made by subsection (b)(1) shall apply to periods of coverage beginning after the date of the enactment of this Act;

(2) the amendments made by subsection (b)(2) shall take effect as if included in the amendments made by section 1010 of division B of the Department of Defense Appropriations Act, 2010; and

(3) the amendments made by subsections (b)(3) and (b)(4) shall take effect on the date of the enactment of this Act.

SEC. 4. EXTENSION OF SURFACE TRANSPORTATION PROGRAMS.

(a) IN GENERAL.—Except as provided in subsection (b), for purposes of the continued extension of surface transportation programs and related authority to make expenditures from the Highway Trust Fund and other trust funds under sections 157 through 162 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), the date specified in section 106(3) of that resolution (Public Law 111–68; 123 Stat. 2045) shall be deemed to be March 28, 2010.

(b) EXCEPTION.—Subsection (a) shall not apply if an extension of the programs and authorities described in that subsection for a longer term than the extension contained in the Continuing Appropriations Resolution, 2010 (Public Law 111–68; 123 Stat. 2050), is enacted before the date of enactment of this Act.

SEC. 5. INCREASE IN THE MEDICARE PHYSICIAN PAYMENT UPDATE.

Paragraph (10) of section 1848(d) of the Social Security Act, as added by section 1011(a) of the Department of Defense Appropriations Act, 2010 (Public Law 111–118), is amended—

(1) in subparagraph (A), by striking ''February 28, 2010'' and inserting ''March 31, 2010''; and

(2) in subparagraph (B), by striking ''March 1, 2010'' and inserting ''April 1, 2010''.

SEC. 6. EXTENSION OF MEDICARE THERAPY CAPS EXCEPTIONS PROCESS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking ''December 31, 2009'' and inserting ''March 31, 2010''.

SEC. 7. EXTENSION OF USE OF 2009 POVERTY GUIDELINES.

Section 1012 of the Department of Defense Appropriations Act, 2010 (Public Law 111–118) is amended by striking ''March 1, 2010'' and inserting ''March 31, 2010''.

SEC. 8. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 129 of the Continuing Appropriations Resolution, 2010 (Public Law 111–68), as amended by section 1005 of Public Law 111–118, is further amended by striking ''by substituting'' and all that follows through the period at the end, and inserting ''by substituting March 28, 2010, for the date specified in each such section.''.

SEC. 9. EXTENSION OF SMALL BUSINESS LOAN GUARANTEE PROGRAM.

(a) IN GENERAL.—Section 502(f) of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 153) is amended by striking ''February 28, 2010'' and inserting ''March 28, 2010''.

(b) APPROPRIATION.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, for an additional amount for ''Small Business Administration – Business Loans Program Account'', $60,000,000, to remain available through March 28, 2010, for the cost of—

(1) fee reductions and eliminations under section 501 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 151) for loans guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)), title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), or section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section; and

(2) loan guarantees under section 502 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 152), as amended by this section,

Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

SEC. 10. SATELLITE TELEVISION EXTENSION.

(a) AMENDMENTS TO SECTION 119 OF TITLE 17, UNITED STATES CODE.—

(1) IN GENERAL.—Section 119 of title 17, United States Code, is amended—

(A) in subsection (c)(1)(E), by striking ''February 28, 2010'' and inserting ''March 28, 2010''; and

(B) in subsection (e), by striking ''February 28, 2010'' and inserting ''March 28, 2010''.

(2) TERMINATION OF LICENSE.—Section 1003(a)(2)(A) of Public Law 111–118 is amended by striking ''February 28, 2010'', and inserting ''March 28, 2010''.

(b) AMENDMENTS TO COMMUNICATIONS ACT OF 1934.—Section 325(b) of the Communications Act of 1934 (47 U.S.C. 325(b)) is amended—

(1) in paragraph (2)(C), by striking ''February 28, 2010'' and inserting ''March 28, 2010''; and

(2) in paragraph (3)(C), by striking ''March 1, 2010'' each place it appears in clauses (ii) and (iii) and inserting ''March 29, 2010''.

SEC. 11. EXCLUSION OF UNPROCESSED FUELS FROM THE CELLULOSIC BIOFUEL PRODUCER CREDIT.

(a) IN GENERAL.—Subparagraph (E) of section 40(b)(6) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

''(iii) EXCLUSION OF UNPROCESSED FUELS.—The term 'cellulosic biofuel' shall not include any fuel if—

''(I) more than 4 percent of such fuel (determined by weight) is any combination of water and sediment, or

''(II) the ash content of such fuel is more than 1 percent (determined by weight).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to fuels sold or used after the date of the enactment of this Act.

SEC. 12. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

SA 3356. Mrs. MURRAY (for herself, Mr. HARKIN, Mrs. BOXER, Mr. BEGICH, and Mr. BURRIS) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TRAINING AND EMPLOYMENT SERVICES.

(a) ADDITIONAL AMOUNT.—There is appropriated for fiscal year 2010, for an additional amount for ''Training and Employment Services'' for activities under the Workforce Investment Act of 1998 (referred to in this section as the ''WIA''), $1,500,000,000. That amount is appropriated out of any money in the Treasury not otherwise appropriated. The amount shall be available for obligation for the period beginning on the date of enactment of this Act.

(b) ACTIVITIES.—In particular, of the amount made available under subsection (a)—

(1) $1,500,000,000 shall be available for grants to States for youth activities, including summer employment for youth, which funds shall remain available for obligation through September 30, 2010, except that—

(A) no portion of such funds shall be reserved to carry out section 127(b)(1)(A) of the WIA;

(B) for purposes of section 127(b)(1)(C)(iv) of the WIA, funds available for youth activities shall be allotted as if the total amount available for youth activities for fiscal year 2010 does not exceed $1,000,000,000;

(C) with respect to the youth activities provided with such funds, section 101(13)(A) of the WIA shall be applied by substituting ''age 24'' for ''age 21'';

(D) the work readiness aspect of the performance indicator described in section 136(b)(2)(A)(ii)(I) of the WIA shall be the only measure of performance used to assess the effectiveness of summer employment for youth provided with such funds; and

(E) an amount that is not more than 1 percent of the funds appropriated under subsection (a) may be used for the administration, management, and oversight of the programs, activities, and grants, funded under subsection (a), including the evaluation of the use of such funds; and

(2) funds designated for the purposes of paragraph (1)(E), together with funds described in section 801(b) of Division A of the American Recovery and Reinvestment Act of 2009, shall be available for obligation through September 30, 2012.

SA 3357. Mr. DODD (for himself, Ms. STABENOW, Mr. LEVIN, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 3336 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 223 and insert the following:

SEC. 223. EXTENSION OF SECTION 508 HOSPITAL RECLASSIFICATIONS.

(a) IN GENERAL.—Subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note), as amended by section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173) and section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended by striking ''September 30, 2009'' and inserting ''September 30, 2010''.

(b) SPECIAL RULE FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of implementation of the amendment made by subsection (a), including (notwithstanding paragraph (3) of section 117(a) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), as amended by section 124(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275)) for purposes of the implementation of paragraph (2) of such section 117(a), during fiscal year 2010, the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on August 27, 2009 (74 Fed. Reg. 43754), and any subsequent corrections.

(2) EXCEPTION.—Beginning on April 1, 2010, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by subsection (a) only if including such data results in a higher applicable reclassified wage index. Any revision to hospital wage indexes made as a result of this paragraph shall not be effected in a budget neutral manner.

(c) ADJUSTMENT FOR CERTAIN HOSPITALS IN FISCAL YEAR 2010.—

(1) IN GENERAL.—In the case of a subsection (d) hospital (as defined in subsection (d)(1)(B) of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(A) a reclassification of its wage index for purposes of such section was extended pursuant to the amendment made by subsection (a); and

(B) the wage index applicable for such hospital for the period beginning on October 1, 2009, and ending on March 31, 2010, was lower than for the period beginning on April 1, 2010, and ending on September 30, 2010, by reason of the application of subsection (b)(2);

the Secretary shall pay such hospital an additional payment that reflects the difference between the wage index for such periods.

(2) TIMEFRAME FOR PAYMENTS.—The Secretary shall make payments required under paragraph (1) by not later than December 31, 2010.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before the Committee on Energy and Natural Resources, previously announced for February 9th, has been rescheduled and will now be held on Tuesday, March 9, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine financial transmission rights and other electricity market mechanisms.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Gina_Weinstock@energy.senate.gov.

For further information, please contact Leon Lowery at (202) 224–2209 or Kevin Huyler at (202) 224–6689 or Gina Weinstock at (202) 224–5684.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 11, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review legislative proposals designed to create jobs related to energy efficiency, including a Majority Staff Draft on energy efficient building retrofits.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to *Rosemarie*_Calabro@energy.senate.gov.

For further information, please contact Deborah Estes at (202) 224–5360 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 2, 2010, at 9:30 a.m., to conduct a hearing entitled ''Restoring Credit to Main Street: Proposals To Fix Small Business Borrowing and Lending Problems.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 2, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 2, 2010, at 11:15 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 2, 2010. The Committee will meet in room 345 of the Cannon House Office Building beginning at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 2, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Human Rights and the Law, be authorized to meet during the session of the Senate on March 2, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Global Internet Freedom and the Rule of Law, Part II.''

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING MINORITY PARTY COMMITTEE APPOINTMENTS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 429, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 429) making minority party appointments for certain committees for the 111th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 429) was agreed to, as follows:

S. RES. 429

Resolved, That the following be the minority membership on the following committees for the remainder of the 111th Congress, or until their successors are appointed:

COMMITTEE ON ARMED SERVICES: Mr. McCain, Mr. Inhofe, Mr. Sessions, Mr. Chambliss, Mr. Graham, Mr. Thune, Mr. Wicker, Mr. LeMieux, Mr. Brown, Mr. Burr, Mr. Vitter, and Ms. Collins.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins, Mr. Coburn, Mr. Brown, Mr. McCain, Mr. Voinovich, Mr. Ensign, and Mr. Graham.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Burr, Mr. Isakson, Mr. Wicker, Mr. Johanns, Mr. Brown, and Mr. Graham.

ORDERS FOR WEDNESDAY, MARCH 3, 2010

Mr. SCHUMER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, March 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 4213.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCHUMER. Madam President, tomorrow, we will resume consideration of the tax extenders legislation. Currently, we have three amendments pending to the bill—the Thune amendment, the Sessions amendment, and the Landrieu amendment. Earlier today, we were able to reach agreement on the next four amendments in order. Senators MURRAY and SANDERS will offer the next two Democratic amendments and Senator BUNNING will offer the next two Republican amendments. Rollcall votes are expected to occur throughout the day.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:33 p.m., adjourned until Wednesday, March 3, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

MICHAEL C. CAMUÑEZ, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE DAVID STEELE BOHIGIAN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. MORGAN III

CONFIRMATION

Executive nomination confirmed by the Senate, Tuesday, March 2, 2010:

THE JUDICIARY

BARBARA MILANO KEENAN, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT.